Molycorp, Inc.

TAG #1-98687101

Correspondence after award

8/29/02 - 5/30/03

985968

May 22, 2003

Ms. Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Re: Molycorp, Inc. Superfund Site
Technical Assistance Grant (TAG)
Number 1-98687101-0
Quarterly Progress Report

Dear Ms. Conn:

The U.S. Environmental Protection Agency has received your Quarterly Progress Report for the period November 16, 2002 through March 31, 2003. A copy of this report has been given to the Remedial Project Manager, Mark Purcell. Thank you for your prompt submission of this report.

If you have any questions, call me or Zana Halliday at 1-800-533-3508.

Sincerely,

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Roberto Vigil, President
P.O. Box 333
Questa, NM 87556

Patrick D. Nicholson
6459 NDCBU
Taos, NM 87571

bcc: Purcell (6SF-LP)
Negri (6SF-PO)
TAG File (6SF-PO)

L:MolycorpQPR.wpd

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

*Board of Directors*

Roberto Vigil
President

Rachel Conn
Vice President
Program Director

Hope Buechler
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Taylor Streit

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*Grant Administrator*

Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco

May 13, 2003

Beverly Negri
Zana Halliday
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

RECEIVED
EPA REGION VI
03 MAY 19 PM 3:35
PROGRAMS MGMT BRANCH

Dear Beverly & Zana,

Please find enclosed our second quarterly progress report. The report covers activities from November 16, 2002 through March 31, 2003. This has been a very active period for the Rio Colorado Reclamation Committee, as Technical Advisors have been hired, and numerous issues, demanding attention and action on behalf of the group, have arisen.

The Rio Colorado Reclamation Committee anticipates continued activity throughout the summer months as initial draft reports are released by lead agencies. RCRC takes its role as a TAG very seriously and strives to fulfill its mission with the utmost diligence.

If any questions should occur regarding the enclosed report or for any other matter, please do not hesitate to contact us.

Thank you for all your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

May 6, 2003

Ms. Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Re: Molycorp, Inc. Superfund Site
Technical Assistance Grant (TAG)
Number 1-98687101-0
Receipts/TA Invoices

Dear Ms. Conn:

The U.S. Environmental Protection Agency received copies of receipts for $296.39 in expenditures incurred by Rio Colorado Reclamation Committee (RCRC). Also received were Technical Advisor invoices for $1,295. These invoices and receipts totaling $1,591.39 will be applied to your $5,000 advance. See breakdown of expenditures applied to your advance shown below:

| | | |
|---|---|---|
| 11/26/02 | Advance approved | $5,000.00 |
| | Invoices deducted | - 282.56 |
| | Balance of advance | $ 4,717.44 |
| 5/06/03 | Receipts/TA Invoices | -1,591.39 |
| | Balance of advance | $ 3,126.05 |

Please include hard copies in your next quarterly report of the Technical Advisors (TA) document and data reviews completed to date. We need to place copies of the TA reports in the repository so that the community will have the opportunity to view them.

If you have any questions, call me or Zana Halliday at 1-800-533-3508.

Sincerely,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Patrick Nicholson
Grant Administrator
6459 NDCBU
Taos, NM 87571

| | | |
|---|---|---|
| bcc: | Purcell | (6SF-LP) |
| | Coulson | (6MD-RX) |
| | TAG File | (6SF-PO) |

L:MolyReceipts.wpd

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

*Board of Directors*

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President

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Marsha Reddell

Taylor Streit

Brooke Tatum

*Grant Administrator*

Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco

May 1, 2003

RECEIVED
EPA REGION VI
03 MAY -5 PM 3:49
PROGRAMS MGMT BRANCH

Beverly Negri
Zana Halliday
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

Dear Beverly & Zana,

We have enclosed several sets of documents pertaining to the Rio Colorado Reclamation Committee's Technical Assistance Grant awarded August 29, 2002. Enclosed you should find receipts for expenses incurred by RCRC thru the end of April; invoices for services by the Technical Advisors and Grant Administrator; and monthly summary sheets (Oct. - Dec. 2002) for RCRC's matching contribution.

Per our phone conversation on April 30, 2003, we have not submitted Form 270 'Request for Advance or Reimbursement'. We understand that Form 270 will be required once again, after RCRC has drawn down the initial $5,000 advance. I anticipate this to be sometime during the next quarter.

Our 1st Quarterly Report for 2003, which will include activities from November 16, 2002 – March 31, 2003, is being reviewed by RCRC Board Members and will be submitted within the next week to ten days.

It has been a pleasure working with both of you. You have been very timely in your response and consistently answered every question to the last detail. Please do not hesitate to contact us if any further documentation is needed or you have any questions.

We will be in touch.

Thank you again.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

**Beverly Negri**

04/30/03 09:02 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Web sites for community groups.

----- Forwarded by Patrick Young/R6/USEPA/US on 04/30/2003 08:40 AM -----

**"Luker, Lovyst" <lah8@cdc.gov>**

04/30/2003 08:27 AM

To: "Tsai, Shan Ching (Shan-Ching)" <sxt2@cdc.gov>, "Joseph, Debra" <Doj7@cdc.gov>, "Larson, Kristina" <Kil1@cdc.gov>, "Campbell, Leslie C." <lca2@cdc.gov>, Patrick Young/R6/USEPA/US@EPA
cc: "Hayes, Lisa" <lih1@cdc.gov>, "Skipper, Kathy" <bos1@cdc.gov>, "Gillig, Richard (Rick)" <rig4@cdc.gov>
Subject: Web sites for community groups.

Hi:

I wanted to make sure that you all have the web site information for the TAG (Rio Colorado Reclamation Committee) and the Amigos Bravos groups in NM. I downloaded some items but have not had a chance to review them yet -- we can get information about meeting places, etc.

www.rcrc.nm.org <http://www.rcrc.nm.org>

www.amigosbravos.org/molycorpwatch
<http://www.amigosbravos.org/molycorpwatch>

thank you,

Lovyst

Lovyst L. Luker
Environmental Health Scientist
Agency for Toxic Substances and Disease Registry
1600 Clifton Road,NE
Mailstop E-32
Atlanta, Georgia 30333
(404) 498-0453
(404) 498-0792(fax)

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**Beverly Negri**

04/30/03 09:24 AM

To: Patrick Young/R6/USEPA/US@EPA
cc: Donald Williams/R6/USEPA/US@EPA, James Bove/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Molycorp, Inc.

**On November 11/12 and 13, 2002, an EPA site team interviewed approximately 56 Questa community members one-on-one to discuss the community concerns about the site. We also met with the Technical Assistance Grant (TAG) recipient to discuss site concerns with them. In addition, we held a community meeting on November 12, 2002, and shared the Field Sampling Plan.**

**In both venues, EPA received feedback and information from a number of citizens that led to the planning of additional sampling and data collection in the area south of the Tailings Facility. These draft sampling plans were presented to Molycorp on April 3, 2003. The EPA will send copies of the draft plans to the TAG's Technical Advisors (TAs), Amigos Bravos and the Village of Questa for review and comment shortly. The EPA is planning on finalizing the additional sampling plans this summer and is available to meet with the TAs to discuss any comments or concerns they have on the draft sampling plans, or any other component of the Draft Final RI/FS Work Plan, before these documents are finalized.**

Patrick Young

**"Luker, Lovyst" <lah8@cdc.gov>**

04/29/2003 04:52 PM

To: "Joseph, Debra" <Doj7@cdc.gov>, "Larson, Kristina" <Kil1@cdc.gov>
cc: "Tsai, Shan Ching (Shan-Ching)" <sxt2@cdc.gov>, Patrick Young/R6/USEPA/US@EPA, "Hayes, Lisa" <lih1@cdc.gov>, "Gillig, Richard (Rick)" <rig4@cdc.gov>
Subject: Molycorp, Inc.

Hi Debra and Kris:

I wanted to follow up with some things we discussed in our last team meeting for this site. Has contact been made with the EPA CI to gather community concerns and to find out the status of their needs assessment and other processes?

Also, wanted to follow up about whether the other community groups and members on the list were contacted in relation to re-issuing the document and to determine their needs for a meeting when we go this summer and to explain where we are going from here.

I know you were waiting for a reply from the TAG in relation to whether they wanted health ed training in English and Spanish. When I spoke to Mrs. Douglas yesterday afternoon, I asked if they had a chance to make that decision but I didn't receive and answer to that; however, she expressed that when she spoke with Kris the issue of preparing the PHA in Spanish came up and she thought that was a good idea. I know health ed has done some fact sheets in Spanish so I would like to talk about translation issues for a PHA.

That's about all I can think of right now. As we all get back into the office, I would like to set up a team meeting to discuss recent activities with the site and community involvement issues. As well as schedules for

the trip to NM in June and where we go from here. I would like to have this meeting as quickly as possible, so I want to check what everyone's availability is for the week of May 5 or 12 -- I know you are just getting back Kris but since we have to make travel plans, etc. I want to get together as soon as possible.

thank you,

Lovyst

Lovyst L. Luker
Environmental Health Scientist
Agency for Toxic Substances and Disease Registry
1600 Clifton Road,NE
Mailstop E-32
Atlanta, Georgia 30333
(404) 498-0453
(404) 498-0792(fax)

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**Zana Halliday**

04/30/03 06:03 AM

To: Beverly Negri/R6/USEPA/US,
cc:
cc:
Subject: Molycorp - TAG Question on RFR

1-800 call
April 29, 2003

Caller: Patrick Nicholson 505-758-8626, Ext. 116
TAG Administrator
Rio Colorado Reclamation Committee

He had several questions before submitting his Request for Reimbursement (RFR) # 2.

Q: Does he have to submit receipts and also inkind records with this RFR since we will be deducting amount from advance?
A: TAG group is always required to submit any receipts pertaining to the TAG, such as newspaper notices, expenses for a public meeting, office supplies, etc. Also told him that at the training session in November, RCRC was told that they did not have to send in the daily inkind services for each person, but they needed to submit a monthly log that showed all the inkind charges for the month. Also told him that when he had invoices from the TA's, he needed to send us the breakdown from the TA's of the tasks accomplished during the time and hours shown on the TA billing period.

Q: How does he keep an accounting for the inkind amount?
A: I told him that we had given Rachel Conn a six-part folder which included a section on in-kind amounts. He asked about a separate ledger. I told him whatever worked for him was fine, he just needed to maintain all records and expenses on this TAG in case of a Federal audit.

Q: On the RFR to be submitted, since there was an advance of $5,000, and it is not shown on the RFR that expenses of $282 have been deducted from that amount, how does he show that on the RFR #2 ? Also, what is Line a, is it still $6,250 until the advance is used up.
A: I told him that when I received the RFR for processing, I could return a copy marked with the amount spent against the advance, and reflect the balance of the advance available for their use. I could show on the RFR the amount subtracted from the advance. I told him I would confer with you for the answers to this question, and would return his call today, April 30. *

* 4/30/03. Called back today with following information, per B. Negri. Grantee does not need to submit RFR until all advance of $5,000 has been spent. Recommended grantee submit cover letter w/receipts stating that these receipts are applied to advance. When acknowledgment letter sent to grantee, it will state balance available on advance each time. Zana

cc: Contract File

**Zana Halliday**

02/18/03 09:40 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Mark Purcell/R6/USEPA/US@EPA, Darlene Coulson/R6/USEPA/US@EPA
Subject: Re: Revised TA Contract for the RCRA TAG, Molycorp, Inc. SF Site, Grant No.

While we were ready to comment on your draft TA contract we received in EPA on Feb. 3, I received your e-mail of 2/17, but am not able to pull up this revised draft TA contract. Therefore, the comments I am providing are on the TA draft received by us on Feb. 3, and they may be irelevant. See comments below:

C. Specific Contractor Tasks: Item 1 through 5, add the following to each of these items:
Copies of all reports and summaries will also be sent to the EPA.

Under V. General Clauses - F. Audit, should be E. Audit. Your alpha numbering system is off from F. Audit (should be
E. Audit) to the end of the contract.

Under K. (should be J). Conflict of Interest, please add #5. as follows:
5) The contractor further agrees to insert into any such subcontract or consulting agreement hereunder
provisions that shall conform substantially to the language of this Agreement.

If there are no other major changes, you can go forward with this draft TA contract we received Feb. 3, making the above changes.

send

E.C. Mark
Grants

Not ~~our~~ our problem to break down contract tasks

Watch we

send e-mail

While we are ready to comment on 2/3 draft TA contract, you indicate you sent revised contract on 2/17.

I cannot pull that contract up to look at it. Therefore, the comments I am providing on the the 2/3 draft may be irrelevant. See comments below:

C - Spec. Cont. Tasks: items 1-5, add the following to items 1-5. Under each one particular sentence to each item
"Copies of all reports & summaries will be sent to EPA.

~~D. Reports 1. Progress reports.~~
~~"The contractor must submit monthly progress reports as stated on pg. 37."~~

→

V.

Under ~~the~~ general Clauses - F - Audit
Should be E - Audit ~~a-~~
Apha system is off from ~~the~~ ~~the~~ to end of contract.

Under Organ. Conflict in Interest
e is missing - (her # 5)
type out what is missing.

I. (your K - conflict of interest) -
item 5 is missing. (type it out)

If there are no other major changes - you can go forward with this 3rd draft Contract.

CC: Contract File

**Zana Halliday**
02/13/03 11:30 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Donn Walters/R6/USEPA/US@EPA, Beverly Negri/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: Re: Questa, RCRC , meeting

Rachel,

I have answered both questions with items 1 and 2, following each of your questions.

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**
02/13/03 10:50 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Questa, RCRC , meeting

Zana,

Have you spoken to Mark yet about the TA contracts?
You can still reach me at work today 505-758-3874.

1. The Technical Advisor(TA) Contract is still under review by both Beverly and Mark Purcell. Both of them are out of the office at this time. May I remind you that a TA applicant should not do any technical work related to the RCRC TAG until a TA contract is signed by all concerned, as those costs are not reimbursable by EPA without a signed TA contract in place.

We are planning a community meeting on Feb 26th and we want to send out a mailing. We have a list of folks but I was wondering if you could share the list of people that you let know about the community meeting that you held in November. We would need the list as soon as possible if you are able to share it with us.

2. Unfortunately, EPA cannot share an internal EPA mailing list with you at this time. A suggestion for you is to post a notice in your cafe, laundry, city hall, wherever people meet and would see the notice of a community meeting that you plan to hold.

-Rachel

---

Do you Yahoo!?
Yahoo! Shopping - Send Flowers for Valentine's Day
http://shopping.yahoo.com

1. Basically, EPA needs to insure that we watch invoicing to prevent double billing for same work.
2. Not important that there are 2 contractors as long as they don't do same work.

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

RECEIVED
EPA REGION VI
03 JAN 27 PM 3:09
PROGRAMS MGMT BRANCH

Beverly Negri
6 SF-/PO
USEPA Region 6
1445 Ross Avenue – Suite 1200
Dallas, TX 75202-2733

January 22, 2003

Dear Beverly,

We have had a busy couple of months reviewing and interviewing potential technical advisors and grant administrators. We have finally come to a decision. We have decided to hire two technical advisors as well as the grant administrator. We found two technical advisor candidates that are very qualified and seem to complement one another very well with their respective strengths. Both have worked as technical advisors for other TAG groups in the past. One is still working for the TAG in Summitville Colorado. I have included resumes for all three, the proposals from the two technical advisors, a summary of the interview with the grant administrator and draft contracts for all three.

Please let us know if there is anything else that you need. We are hoping for a quick turn around on these contracts as we have several things we would like the technical advisors to begin addressing.

Thank you for you assistance.

Sincerely,

Rachel Conn

Rachel Conn
Program Director
Rio Colorado Reclamation

**Beverly Negri**

04/30/03 06:35 AM

To: Rachel Conn <rachellconn@yahoo.com>, Karen Douglas <minniemoomoo@comcast.net>, douglas@nm.net
cc: Donald Williams/R6/USEPA/US@EPA, George Pettigrew/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA, Patrick Young/R6/USEPA/US@EPA, Ronnie Crossland/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA, Betty Williamson/R6/USEPA/US@EPA, Suzanne Wells/DC/USEPA/US@EPA
Subject: Re: Response to Questions from RCRC

Thank you for sharing with us your concerns related to the level of participation by the community, including the RCRC and its Technical Advisors (TAs), in the Remedial Investigation and Feasibility Study (RI/FS) at the Molycorp site. We recognize the community as a major stakeholder and want to make every effort to involve the community throughout the RI/FS process. We also want to have a good working relationship with the community and we strive to keep you informed about all aspects of the RI/FS. To that end, we believe the involvement of the TAs in the RI/FS, to the fullest extent permitted under our existing policies and guidance, will help ensure that the community is adequately informed about the RI/FS, and provide every opportunity to participate in the project.

In light of the above, we are addressing each of your questions below. We have combined questions 1, 4 and 8 since they are related to the same issues.

QUESTIONS AND EPA RESPONSES:

1. Why can't TAs in Region 6 attend technical meetings between EPA and Molycorp? This is supposed to be a collaborative process, with the community as the major stakeholder. If the TAs are not at the technical meetings which lead up to the final draft (excluding the financial meetings), they are relegated, at best, to interpreting the final draft. This can, and at times will, lead to many suggested changes on the part of the community on each draft. Therefore, much time is wasted. Also, often, the amount of time left to the TA to read, interpret and report on the final draft to the community is not sufficient.

4. Why was it that just about every application received by the RCRC for the TA position (including people from as far away as Florida and especially including one person who had worked for Region 6 EPA on the Molycorp site as a contractor doing assessments) stressed the importance of including TAs at Technical Meetings between EPA and Molycorp? Many of these people had already been TAG consultants. They found out that the process, especially on a site as complicated as Molycorp, goes more smoothly when TAs are included in such meetings, even if only as "observers". At technical meetings where what would/would not be included in a final draft is being discussed our TAs know that this information should be considered privileged. They are also smart enough not to be confused by what is a discussion and what is going into the final draft. We lost count of the number of sites in the above mentioned Regions who have access and suggested that perhaps Region 6 was taking the meaning of "negotiations" too seriously.

8. According to the newest EPA TAG Program Fact Sheet (formerly Frequently Asked Questions): "A technical advisor can help community members participate in decision making by helping them to better understand what is going on at the site." We would like to be part of the process. What is the use of merely having the material translated to us at the end of the process if there are not opportunities to communicate our suggestions and concerns? Especially after attending the National TAG Conference, we learned that enough issues will come up anyway that could harm the process if not completely undermine it if there is not a relationship of trust, respect and information sharing between the Regional EPA and the community. A TA is one of the most important links between these two. At the last community meeting, which included some new faces who have committed to being a part of the RCRC, one of the key issues seemed to be whether the EPA could be trusted and the importance of TAs being involved in Technical Meetings. We don't want to be one of the groups that is having to get information through the Freedom of Information Act.

**Document Review**

**As recommended by the OSWER Directive #9230.0-16, recommendation #5. Release Near Final Documents When Appropriate, the Region 6 Superfund Division does provide "Draft Final" documents to communities or the Technical Assistant Grant (TAG) Technical Advisor (TA) for review and comment. On March 19, 2003, the EPA provided copies of the Draft Final RI/FS Work Plan to both TAs, Steve Blodgett and Kenneth Klco, along with Charlie Gonzales, the Mayor of the Village of Questa, and Jim Kuipers of the Center for Science in Public Participation.**

**The EPA also sent a copy of the approved Field Sampling Plan (a component of the RI/FS Work Plan) to Brian Shields, Executive Director of Amigos Bravos, Jim Kuipers, and the Village of Questa on October 31, 2002. The document was not sent to the TAs because they had yet to be hired for this project. In November 2002, EPA shared the Field Sampling Plan with the Questa community via one-on-one interviews and a Community Meeting on (put in date it occurred here). In both venues, EPA received feedback and information from a number of citizens that led to the planning of additional sampling and data collection in the area south of the Tailings Facility. These draft sampling plans were presented to Molycorp on April 3, 2003. The EPA will send copies of the draft plans to the TAs, Amigos Bravos and the Village of Questa for review and comment shortly. The EPA is planning on finalizing the additional sampling plans this summer and is available to meet with the TAs to discuss any comments or concerns they have on the draft sampling plans, or any other component of the Draft Final RI/FS Work Plan, before these documents are finalized.**

**The expansion of the RI/FS sampling program at this site is a good example of how the community (and a TA, if involved) can, by their input, play a significant role in the development of work plans and, ultimately, the overall direction and scope of an investigation.**

**The EPA will continue to evaluate additional data needs throughout the RI/FS.**

**EPA will provide a copy of any additional draft final sampling plans to the TAs for review and comment.**

**Finally, when a community or TA informs us that a comment period for a document is insufficient to allow time for adequate review and input, EPA will extend the comment period whenever possible.**

**Meeting Participation**

**In technical meetings between EPA and Potentially Responsible Parties (PRPs), work plans and laboratory analytical data may be discussed that are considered preliminary and "draft" and, therefore, inappropriate for release to the community. Preliminary analytical data are considered confidential until they have been thoroughly validated for quality assurance (i.e., determined to meet EPA's requirements for accuracy and quality). Also, draft plans often change significantly and the resultant changes could easily be misconstrued. Further, information from such meetings might lead to inaccurate expectations by the community as to the work performed for the RI/FS and, ultimately, the remedy.**

**As a result, the TAs are not able to participate in such meetings between EPA and Molycorp for the RI/FS. However, EPA desires to include the TAs in technical meetings that are held to discuss any comments or concerns received by the TAs on the RI/FS documents they review, as appropriate.**

**Additionally, in an effort to better ensure the inclusion of the TAs in technical meetings related to the RI/FS, Mark Purcell has contacted Molycorp, the relevant state agencies, and the state and federal natural resource trustee agencies to discuss the development of a technical subworkgroup called the Questa Community Coalition (QCC). The QCC would consist of one ~~or~~ two technical representatives from each of the EPA, the New Mexico Environment Department and Mining and Minerals Division, Molycorp, the natural resource trustee agencies (*i.e.*, the New Mexico Office of Natural Resource Trustees, the U.S. Bureau of Land Management, U.S. Fish & Wildlife Service, and the U.S. Forest Service), nonpolitical representatives from the Village of Questa and the TAs. It must be recognized that Molycorp would only participate in a supporting role to the EPA and, under the Administrative Order on Consent with EPA, is not required to take direction from ~~the other~~ QCC participants on matters related to the RI/FS. The TAG group should contact Mark Purcell or me if interested in having their TA participate in the QCC.**

2. Why is Region 6 so intent on this policy when we found out at the National TAG Conference that TAs are allowed at such technical meetings in Regions 1, 2,4,5,8,9, and 10? We're not sure about region 3, and Region 7 was not represented at the conference. Groups from each of these Regions say that the TAs and, when involved, representatives from State or Municipal agencies, have usually been included in the ENTIRE process from the beginning,

especially including such meetings

**During the TAG Workshop, conversations were held between the community Workshop attendees about the type of documents reviewed by the TAs and meetings the community members or TAs do, or do not, attend. As a follow-up, Region 6 contacted our counterparts in Regions 1, 2, 4, 5, 8, 9 and 10, to determine exactly what practices are followed. With the exception of Region 8, we received responses from all of the regions listed above. The responses concerning the presence of TAs at technical meetings indicated that:**

a. **The remedial documents reviewed by TAs or shared with community members are usually the Draft Final or Final documents - not the early or first draft documents, and**

b. **TAs or community members are usually not involved in "All State, PRP, EPA technical meetings regardless of the subjects discussed."**

**There are several reasons that TAs may not be involved in the entire decision making process. For example, many site technical/cleanup discussions between the State, PRPs and EPA often start when a site is under the emergency response or removal program and a TAG is not yet under consideration. On numerous occasions, the State may have originally started a site's cleanup. The State may not request that EPA assist with the cleanup until later in the process. When these situations arise, TAG awards are not under consideration. Even when a site is proposed to the NPL, it can take months before a TAG is awarded, resulting in the possibility that numerous cleanup discussions have already taken place. Under these scenarios, it is not possible for a TAG group to be involved in the entire process from the beginning. Region 6 Superfund does make good faith efforts to involve the community at large when we are doing removal or remedial work in a community.**

**In addition, as the TAG Project Officer, I am responsible for ensuring that TAG funds are expended in the best possible interest of the communities impacted by the sites. Because of the limited TAG funds, I inform TAG groups that it would be inappropriate to incur costs on reviewing material or information that may not be the draft final or final documents.**

3. Is Region 6 taking the meaning of "negotiation" too literally, or in a manner suitable to Molycorp and other PRPs? We have been in contact with Peggy Anthony, the new TAG Administrator for policy and some other matters (National Level). She has read through all TAG documents, going back to the beginning of the program and can find nothing which prohibits TAs from attending the type of meetings we want access to. She feels it only makes sense to have them there. At the TAG conference, one of the EPA Regional TAG coordinators told her that TAs were not going to meetings in his region because he was not going to let TAs participate in negotiations. Her response to him (and in general) is that the TAs would not

necessarily be negotiating, but would be offering a "cautionary presence" in case a suggestion is made that the community is already against, or which the TA knows would not work, etc. By making the TAs wait until the final draft of a document is issued, Peggy feels the time would be way too late for the community to have true input as specified by TAG. She feels this would undermine the reason for a group's existence.

**OSWER Directive 9836.0-1A states that negotiations are generally conducted in confidential sessions between the PRPs and the Federal government. Neither the public, nor the TA (if one has been hired by a community) may participate in negotiations between EPA, DOJ and the PRPs unless everyone agrees to allow such participation. Otherwise the ability of the parties to assert confidentially at some later date may be affected. The confidentially of statements made during the course of negotiations is a well-established principle of our legal system. Its purpose is to promote a through and frank discussion of the issues between the parties in an effort to resolve differences. Confidentially not only limits what may or may not be revealed publicly, but also ensures that offers and counter-offers made may not and will not be used by one party against the other in any ensuing litigation.**

**PRPs may be unwilling to negotiate without this guarantee of confidentially for a myriad of reasons. The expectation of confidentiality necessarily restricts the type and amount of information that can be made public.**

**It is important to note that if a TA participates in a meeting, even if the information discussed is "privileged", the confidentiality of the information discussed has been compromised.**

**Please also see the response to questions 1., 4., and 8. above.**

5. Does the EPA want to follow Molycorp's lead of wasting time and money, with results that are unacceptable to the community? At the National TAG Conference, we heard numerous stories of TAs initially being left out of Technical Discussions, which always dragged out the process. In some cases, because the TAs were not included at first, the community recommendations on final drafts were not taken into account. TAs were finally let into the process in these cases either because they, with community input, knew more about the site and the PRP than the EPA did and could contribute much to the Technical Meetings, thereby speeding up the process, OR because the wrong remedy/plan was adopted and eventually had to be redone, resulting in further lose of money and time.

**EPA makes every effort to address releases or threats of release of hazardous substances in a time efficient, economical, and thorough manner and in close coordination with the affected community. Please see the response to questions 1., 4. and 8, regarding EPA's ability to meet with TAs and the introduction of the newly proposed QCC. The inclusion of TAs in these meetings seeks to ensure that the community has the opportunity to provide meaningful feedback and input during the remedial process.**

**OSWER Directive #9230.0-16 recommends that EPA should make information available to citizens as early as the Preliminary Assessment (PA) and Site Investigation (SI) stages. The PA was completed in May 1980 and the SI was completed in 1981. Because the Superfund Program was not responsible for the site until January 2000, EPA was unable to involve the community at the PA/SI stage of the cleanup process. Region 6 Site Assessment (SA) staff and the State did hold several public meetings in February and April of 2000. The SA staff also participated in the Technical Advisory Board (TAB) meetings a number of times in early 2000 (Amigos Bravos also participated in the TAB meetings). The site was proposed to the NPL on May 11, 2000, with the 60-day public comment period ending on July 11, 2000. Region 6 Superfund continued our discussions with the community when we hosted an Open House to discuss the site's NPL proposal on June 22, 2000.**

**We cannot speak to the exclusion of the community or TAs from technical meetings in other regions, but Region 6 has included the Questa community in technical meetings and discussions since February 2000.**

**As of the date of the TAG Workshop on February 28/March 1, ~~your~~ TAs had not been hired. TAs were not able to participate in technical meetings until their contracts were officially signed on March 6, 2003.**

6. Why were we not told at your Nov 12, 2002 community meeting that ATSDR was issuing a draft report on Nov 13, 2002, (the day after your community meeting)? We did not find out about this report until the middle of February via an EPA communication about the Molycorp site long after the public comment period had ended. It's hard to believe that EPA didn't even know that ATSDR had been in the community already. We find this completely unacceptable and are pursing measures to have the public comment period reopened on this report. The only way to have clear communication between Questa (and the surrounding impacted communities) and the regional EPA is to allow TAs to the Technical Meetings so that misunderstandings and totally unacceptable plans can be caught in as early a phase as possible.

**While EPA and ATSDR work closely together, we remain separate governmental agencies with independent decision making processes. ATSDR decided against participating in the November 12, 2002, community meeting after receiving an invitation from EPA. ATSDR envisioned hosting a meeting in Questa shortly after the EPA meeting and believed that the ATSDR regional representative would best serve the community by participating in the ATSDR meeting. EPA did present limited information about the ATSDR Public Health Assessment document in the media presentation shown at the November 12, 2002 community meeting. EPA will continue to invite ATSDR to participate in community meetings, and will provide information on ATSDR activities in the community where appropriate. (*Please note, question #6 erroneously identifies November 13, 2002, as the date of issuance for the ATSDR Public Health Assessment Document. The document was released by ATSDR for public comment on September 24, 2002, and the final***

*date for comments was November 13, 2002).*

7. At the TRC meeting held in January 2003 the formation of the TWG (Technical Working Group) within the TRC was announced. This group is to be made up solely of "scientists" from the State Agencies, Molycorp, Amigos Bravos, the Village of Questa, and the RCRC. The purpose of this is to make the group more effective, not bogged down by lawyers, etc. This group would then report at least every 3 months to the full TRC. It was the desire of all present at the January TRC meeting that EPA should ALWAYS have a representative at the TWC meetings, since there is so much overlap between what the State Agencies and EPA are doing. So, the RCRC is also asking that EPA participate in the TWC meetings, just as one of our TAs will participate.

**The EPA recognizes the importance of the TRC and TWG meetings to the ongoing reclamation and remedial activities at the site and is making every effort to have a representative participate in future TRC and TWG meetings. If the RPM cannot make a meeting, another EPA representative may attend in his absence. The EPA is also considering having the RPM participate in the TRC and TWG meetings by teleconference.**

**Beverly Negri**

04/18/03 10:30 AM

To: Steve Wyman/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Report on Molycorp Mine Panned

Albuquerque Journal
Friday, April 18, 2003

Report on Molycorp Mine Panned
By Mark Oswald Of the Journal

TAOS — An environmental advocacy group contends a federal agency's favorable public-health assessment of the Molycorp molybdenum mine near Questa was botched and was prepared without input from local residents.

The Agency for Toxic Substances and Disease Registry, an agency of the federal Department of Health and Human Services, has agreed to extend the public comment period for the draft version of Molycorp report, which was first released for comment in October.

The ATSDR's draft report classified the Molycorp site "as posing no apparent public health hazard associated with current or future exposures to mining-related contaminants," according to a news release posted on the agency's Web site.

The agency also said that it considers "past exposures at the Molycorp site an indeterminate public health hazard due to the limited nature of historical groundwater and air monitoring."

The Taos-based Amigos Bravos environmental advocacy group complained this week that the report was prepared "without input from members of the Questa community or from people who own contaminated wells adjacent to the mine site."

ATSDR says on its Web site that the draft report has been available at Questa's village offices since October.

But Amigos Bravos said in a news release that the agency "misplaced the mailing list that included contact information for concerned citizens and as a result, no one in the community received or was notified about the document when it was first released for public comment."

Amigos Bravos said ATSDR obtained most of its information from Molycorp and state regulators and didn't talk to downstream residents who believe their health has been adversely affected by mine operations.

"This report should be completely retracted and rewritten with input from the people who are impacted by the contamination from the mine site," said Francisco Apodaca, a mining reform campaign manager with Amigos Bravos.

Over many years of regulatory activity regarding Molycorp, no government agency has ever linked Molycorp pollution directly to any human health problems. The company has also denied any connection between its operations and any illness among area residents.

The report was prepared by ATSDR as part of the process involved in the Molycorp's proposed listing as a federal Superfund site, a designation under which the federal government generally fronts cleanup costs and then sues responsible parties to recover the expenses.

In an Oct. 9 news release still available on its Web site, ATSDR announced the release of the draft public health assessment of Molycorp and gave interested parties until Nov. 13 to submit comments.

The October release said the report was available at the Questa village office, the state Environment

Department offices in Santa Fe and regional U.S. Environmental Protection Agency offices in Dallas. No information was available Thursday on how or to which media organizations the news release was disseminated beyond the Web site.

A new, April 10 press announcement on the Web site states the ATSDR is extending the comment period to June 19. The agency also plans a public meeting this summer "to allow community members to talk one-on-one with ATSDR staff about their health concerns," the release says.

Efforts to reach ATSDR officials for comment Thursday were unsuccessful. Agency officials referred questions to a spokeswoman in Atlanta who did not return a phone call.

In the past, Molycorp has tried to reach agreement with the EPA to allow the company to oversee cleanup of its mine without placing the site on the national Superfund list. Molycorp committed to spending $5 million a year on remediation work beginning in 2002.

Studies by state and federal regulators have determined that water passing through more than 300 million tons of waste rock at Molycorp is sending acids and metals through ground water and into the Red River. Molycorp — whose molybdenum is used in hardening steel — has argued that the pollution is due to natural erosion.

Last year, law firms from California and Louisiana began checking air and water quality in the Questa area and collecting hair samples from Questa children to determine if they show elevated levels of heavy metals that might be linked to the molybdenum mine.

Brooke Tatum, a founding member of the Questa Safe Environment Group, said in the Amigos Bravos news release that based on hair-testing and a local health symptoms survey, "we have reason to believe that there are health problems in Questa related to environmental contamination."

"A proper assessment should be conducted that addresses the problems identified in our preliminary research," Tatum said.

Questa Mayor Charlie Gonzales said the village government also has concerns about the conclusions of the ATSDR report.

"The basis of their conclusions is not clear," Gonzales said. "The report is based on limited or incomplete information."

Comments on the ATSDR draft report can be made at the Questa village offices and the state Environment Department at 1190 St. Francis Drive in Santa Fe.

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# Río Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

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03 MAR 26 PM 1:12
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Steve Blodgett

Ken Klco


Beverly Negri
6 SF-/PO
USEPA Region 6
1445 Ross Avenue – Suite 1200
Dallas, TX 75202-2733

Dear Beverly,

Please find enclosed the Grant Administrator Contract and the Technical Advisor Contract. I am sorry that it has taken so long for me to get these to you. I kept the original contracts and have enclosed copies. Please let me know if you have any further questions.

Sincerely,

Rachel Conn
RCRC
Program Director

Molycorp molybdenum mine


P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

March 20, 2003

Ms. Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Re: Molycorp, Inc. Superfund Site
Technical Assistance Grant (TAG)
Number 1-98687101-0
Technical Advisor Contract

Dear Ms. Conn:

In reviewing our TAG files, we note that the U.S. Environmental Protection Agency has not received a copy of your signed Technical Advisor (TA) contract and TAG Administrator contract. We would appreciate signed copies of these contracts by Friday, April 4, 2003.

If you have any questions, call me or Zana Halliday at 1-800-533-3508.

Sincerely,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Purcell (6SF-LP)
Coulson (6MD-RX)
TAG File (6SF-PO)

L:MolycorpTA.wpd

CONFIDENTIAL

**Beverly Negri**

03/18/2003 07:26 AM

To: Donald Williams/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc: Patrick Young/R6/USEPA/US, George Pettigrew/R6/USEPA/US, Ronnie Crossland/R6/USEPA/US,
cc:
Subject: Molycorp TAG

**When community members, whether they are TAG recipients or not, go to national meetings and hear that "every other region allows TAs to attend enforcement and negotiation meetings" (whether this is true or not), they question our Region 6 policies. In reading the RCRC questions, I believe the main concerns/questions the RCRC group have are not how to administer the TAG. For example, some of the questions are:**

Why can't TAs in Region 6 attend technical meetings between EPA and Molycorp? This is not a TAG administration decision, rather a technical/enforcement decision.

Why is Region 6 so intent on this policy when we found out at the National TAG Conference that TAs are allowed at such technical meetings in Regions 1,2,4,5,8,9, and 10? ... Groups from each of these Regions say that the TAs and, when involved, representatives from State or Municipal agencies, have usually been included in the ENTIRE process from the beginning, especially including such meetings. Isn't this a Region 6 Policy question - MOK?

Is Region 6 taking the meaning of "negotiation" too literally, or in a manner suitable to Molycorp and other PRPs?

Why was it that just about every application received by the RCRC for the TA position (including people from as far away as Florida and especially including one person who had worked for Region 6 EPA on the Molycorp site as a contractor doing assessments) stressed the importance of including TAs at Technical Meetings between EPA and Molycorp?

Why were we not told at your Nov 12, 2002 community meeting that ATSDR was issuing a draft report on Nov 13, 2002, (the day after your community meeting)? Could it be because we didn't know about the report? I know the issuance of this type of ATSDR report happens, but I certainly didn't know about the timing. Perhaps we need to ensure that ATSDR and site teams keep in the loop together.

At the TRC meeting held in January 2003 the formation of the TWG (Technical Working Group) within the TRC was announced. This group is to be made up solely of "scientists" from the State Agencies, Molycorp, Amigos Bravos, the Village of Questa, and the RCRC. The purpose of this is to make the group more effective, not bogged down by lawyers, etc. This group would then report at least every 3 months to the full TRC. It was the desire of all present at the January TRC meeting that EPA should ALWAYS have a representative at the TWC meetings, since there is so much overlap between what the State Agencies and EPA are doing. So, the RCRC is also asking that EPA participate in the TWC meetings, just as one of our TAs will participate. Isn't Mark a far better person to participate in this type of meeting than myself?

According to the newest EPA TAG Program Fact Sheet (formerly Frequently Asked Questions): "A technical advisor can help community members participate in decision making by helping them to better understand what is going on at the site." We would like to be part of the process. What is the use of merely having the material translated to us at the end of the process if there are not opportunities to communicate our suggestions and concerns? The answer to this question is interrelated to all of the above.

**The TAG Rule doesn't address TAG technical advisors (TA) sitting in on negotiations. technical meetings or when they "sit at the table". The HQ TAG folks keep referencing a 1990 OSWER Directive #9230.0-16 that says the "Regions should try to have at least one community representative present during all external technical discussions, except those involving negotiations between EPA and the Potentially Responsible Parties (PRPs). The guidance also states that Superfund Managers should do everything possible to involve the public in technical discussions, especially at enforcement-lead sites where citizens may feel left out of the process. Incases when information is "enforcement sensitive", the Regions should make an extra effort to keep "regular" line of communication open by emphasizing the information that can be shared with the public.**

**Section 35.4005 - What Is a Technical Assistance Grant? specifically states that a TAG provides money for a group to obtain technical assistance in interpreting information with regard to a Superfund site. EPA awards TAGs to promote public participation in decision making at eligible sites. A TAG allows the groups to procure independent technical advisors to help them interpret, understand and comment on site related information and decisions. Examples of how a TA can help the group include, but aren't limited to:**
**a. Reviewing preliminary site assessments/site investigation data ;**
**b. Participating in public meetings to help interpret information about site conditions, proposed deadlines, and the implementation of a remedy;**
**c. Visiting the site vicinity periodically during cleanup, if possible to observe progress and provide technical updates to the TAG group; and**
**d. Evaluate future land reuse options based on land reuse assumptions found in the "remedial investigation/feasibility study".**

I'll work with Mark in trying to answer the questions, but I can't respond to them from only a TAG administration view point.

Beverly

merely having the material translated to us at the end of the process if there are not opportunities to communicate our suggestions and concerns? The answer to this question is interrelated to all of the above.

**The TAG Rule doesn't address TAG technical advisors (TA) sitting in on negotiations. technical meetings or when they "sit at the table". The HQ TAG folks keep referencing a 1990 OSWER Directive #9230.0-16 that says the "Regions should try to have at least one community representative present during all external technical discussions, except those involving negotiations between EPA and the Potentially Responsible Parties (PRPs). The guidance also states that Superfund Managers should do everything possible to involve the public in technical discussions, especially at enforcement-lead sites where citizens may feel left out of the process. Incases when information is "enforcement sensitive", the Regions should make an extra effort to keep "regular" line of communication open by emphasizing the information that can be shared with the public.**

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**b. Participating in public meetings to help interpret information about site conditions, proposed deadlines, and the implementation of a remedy;**
**c. Visiting the site vicinity periodically during cleanup, if possible to observe progress and provide technical updates to the TAG group; and**
**d. Evaluate future land reuse options based on land reuse assumptions found in the "remedial investigation/feasibility study".**

I'll work with Mark in trying to answer the questions, but I can't respond to them from only a TAG administration view point.

Beverly

Donald Williams

**Donald Williams**
03/17/2003 03:32 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: George Pettigrew/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA, Patrick Young/R6/USEPA/US@EPA, Rachel Conn <rachellconn@yahoo.com>, Ronnie Crossland/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Questions from RCRC

What does the TAG guidance say about TAG consultants sitting in on negotiations and technical meetings? Seems to me that the original intent of the TAG was to interpret documents for their clients and offer questions/concerns to the Region from the clients about things they don't understand. I didn't think that that TAG advisors got a seat at the table for any meeting we have with a PRP.

Aside from the question about ATSDR releasing their report after our Jan. 12 meeting, these seem more like TAG process questions than scientific questions. Are other Regions letting TAG advisors attend and parrticipate in meetings with PRPs to discuss comments on documents?
Beverly Negri

parrticipate in meetings with PRPs to discuss comments on documents?
Beverly Negri

**Beverly Negri**
03/17/2003 02:21 PM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Donald Williams/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA, Patrick Young/R6/USEPA/US@EPA, George Pettigrew/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA, Ronnie Crossland/R6/USEPA/US@EPA
Subject: Re: Questions from RCRC

I am copying this e-mail to Mark Purcell, Don Williams and our ATSDR representatives. Because all of the questions you asked are technical and/or scientific, they are the best staff members to address your concerns.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rachellconn@yahoo.com>

Dear Beverly,

Here is the list of questions and concerns that you had asked us to type up and send to you.

1.Why can't TAs in Region 6 attend technical meetings between EPA and Molycorp? This is supposed to be a collaborative process, with the community as the major stakeholder. If the TAs are not at the technical meetings which lead up to the final draft (excluding the financial meetings), they are relegated, at best, to interpreting the final draft. This can, and at times will, lead to many suggested changes on the part of the community on each draft. Therefore, much time is wasted. Also, often, the amount of time left to the TA to read, interpret and report on the final draft to the community is not sufficient.

2. Why is Region 6 so intent on this policy when we found out at the National TAG Conference that TAs are allowed at such technical meetings in Regions 1, 2,4,5,8,9, and 10? We're not sure about region 3, and Region 7 was not represented at the conference. Groups from each of these Regions say that the TAs and, when involved, representatives from State or Municipal agencies, have usually been included in the ENTIRE process from the beginning, especially including such meetings.

3.Is region 6 taking the meaning of "negotiation" too literally, or in a manner suitable to Molycorp and other PRPs? We have been in contact with Peggy Anthony, the new TAG Administrator for policy and some other matters (National Level). She has read through all TAG documents, going back to the beginning of the program and can find nothing which prohibits TAs from

attending the type of meetings we want access to. She feels it only makes sense to have them there. At the TAG conference, one of the EPA Regional TAG coordinators told her that TAs were not going to meetings in his region because he was not going to let TAs participate in negotiations. Her response to him (and in general) is that the TAs would not necessarily be negotiating, but would be offering a "cautionary presence" in case a suggestion is made that the community is already against, or which the TA knows would not work,etc. By making the TAs wait until the final draft of a document is issued, Peggy feels the time would be way too late for the community to have true input as specified by TAG. She feels this would undermine the reason for a group's existence.

4. Why was it that just about every application received by the RCRC for the TA position (including people from as far away as Florida and especially including one person who had worked for Region 6 EPA on the Molycorp site as a contractor doing assessments) stressed the importance of including Tas at Technical Meetings between EPA and Molycorp? Many of these people had already been TAG consultants. They found out that the process, especially on a site as complicated as Molycorp, goes more smoothly when TAs are included in such meetings, even if only as "observers". At technical meetings where what would/would not be included in a final draft is being discussed our TAs know that this information should be considered privileged. They are also smart enough not to be confused by what is a discussion and what is going into the final draft. We lost count of the number of sites in the above mentioned Regions who have access and suggested that perhaps Region 6 was taking the meaning of "negotiations" too seriously.

5. Does the EPA want to follow Molycorp's lead of wasting time and money, with
results that are unacceptable to the community? At the National TAG Conference, we heard numerous stories of TAs initially being left out of Technical Discussions, which always dragged out the process. In some cases, because the TAs were not included at first, the community recommendations on final drafts were not taken into account. TAs were finally let into the process in these cases either because they, with community input, knew more about the site and the PRP than the EPA did and could contribute much to the Technical Meetings, thereby speeding up the process, OR because the wrong remedy/plan was adopted and eventually had to be redone, resulting in further lose of money and time.

6.Why were we not told at your Nov 12, 2002 community meeting that ATSDR was issuing a draft report on Nov 13, 2002, (the day after your community meeting)? We did not find out about this report until the middle of February via an EPA communication about the Molycorp site long after the public comment period had ended. It's hard to believe that EPA didn't even know that

ATSDR had been in the community already. We find this completely unacceptable and are pursing measures to have the public comment period reopened on this report. The only way to have clear communication between Questa (and the surrounding impacted communities) and the regional EPA is to allow TAs to the Technical Meetings so that misunderstandings and totally unacceptable plans can be caught in as early a phase as possible.

7. At the TRC meeting held in January 2003 the formation of the TWG (Technical Working Group) within the TRC was annnounced. This group is to be made up solely of "scientists" from the State Agencies, Molycorp, Amigos Bravos, the Village of Questa, and the RCRC. The purpose of this is to make the group more effective, not bogged down by lawyers, etc. This group would then report at least every 3 months to the full TRC. It was the desire of all present at the January TRC meeting that EPA should ALWAYS have a representative at the TWC meetings, since there is so much overlap between what the State Agencies and EPA are doing. So, the RCRC is also asking that EPA participate in the TWC meetings, just as one of our TAs will participate.

8.According to the newest EPA TAG Program Fact Sheet (formerly Frequently Asked Questions): "A technical advisor can help community members participate in decision making by helping them to better understand what is going on at the site." We would like to be part of the process. What is the use of merely having the material translated to us at the end of the process if there are not opportunities to communicate our suggestions and concerns? Especially after attending the National TAG Conference, we learned that enough issues will come up anyway that could harm the process if not completely undermine it if there is not a relationship of trust, respect and information sharing between the Regional EPA and the community. A TA is one of the most important links between these two. At the last community meeting, which included some new faces who have committed to being a part of the RCRC, one of the key issues seemed to be whether the EPA could be trusted and the importance of TAs being involved in Technical Meetings. We don't want to be one of the groups that is having to get information through the Freedom of Information Act.

We hope that region 6 will work with us and not only allow but encourage community participation in the process. Thank you,

The RCRC Board

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Questions.Beverly.doc

**Beverly Negri**

03/17/03 02:16 PM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Re: Molycorp/Questa Site

for TAG file

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

----- Forwarded by Beverly Negri/R6/USEPA/US on 03/17/2003 02:15 PM -----

**Patrick Young**

03/17/2003 02:03 PM

To: "NeSmith, Theresa L." <tbn8@cdc.gov>
cc: "Larson, Kristina" <Kil1@cdc.gov>, "Luker, Lovyst" <lah8@cdc.gov>, George Pettigrew/R6/USEPA/US@EPA, (bcc: Beverly Negri/R6/USEPA/US)
Subject: Re: Molycorp/Questa Site

Lovyst/Kris/Theresa,

I just received a telephone voice mail from Mrs. Karen Douglas. She is a member of the Rio Colorado Reclamation Committee that received a TAG Grant from EPA. According to her message, she met Theresa at an EPA National TAG Conference in New Mexico. According to Mrs. Douglas, she informed me that her group was just made aware of the ATSDR Health Assessment document in late February 2003. She reported that the document was incorrect and the data was wrong and wondered if we only spoke with Molycorp? She requested she wanted someone from ATSDR to contact her to discuss her concerns. She explained that the community of Questa was **extraordinarily** up set by ATSDR's report.

To date, ATSDR has had zero community involvement. We have never met with the community. I did conduct one site visit with EPA and we toured the mine and surrounding community I think 2 years ago. ATSDR planned a Public Availability Session for the release of the document, but was cancelled. I am not aware if another site visit is planned.

It sounds like we have a work cut out for us. We may have lost credibility from the community members, but if we act quickly maybe we can recover. The most import point for the community members/TAG recipient's is to know that the ATSDR Health Assessment is not set in stone and it can be revised. ATSDR should make every effort to quickly visit with the community members of Questa to obtain their health concerns and address them in the Health Assessment document..

We probably ought to have a conference call so we are all on the same page and we get a game plan together. I would also recommend pulling in the EPA RPM/CI on this call.

LCDR Patrick Young, RS
ATSDR Regional Rep., Region VI
US Public Health Service
Dallas, Texas 75202
214-665-8562
young.patrick@epa.gov
"NeSmith, Theresa L." <tbn8@cdc.gov>

**"NeSmith, Theresa L."**

To: "Luker, Lovyst" <lah8@cdc.gov>, Patrick Young/R6/USEPA/US@EPA

<tbn8@cdc.gov>

03/11/03 04:32 PM

cc: "Larson, Kristina" <Kil1@cdc.gov>
Subject: Molycorp/Questa Site

Hi Lovyst and Pat:

A couple of weeks ago, I attended an EPA TAG meeting in New Mexico. During the meeting, Karen Douglas who is a community member from the area near the Questa/Molycorp Mine site in New Mexico approached me with several questions. Apparently, she has been involved with the TAG group in the area. According to her, EPA held a meeting several months ago during which they announced that the PHA had already been released and that we conducted a site visit in November 2002. She was concerned that we conducted a site visit and completed the document without having any contact with the TAG group or other community groups around the site.

I explained that I did not have any of the details about the site. But agreed to forward her concern to the folks who worked on the site. Would one of you contact Ms. Douglas to update her on the site? She also asked for a copy of the PHA if it has in fact been completed. (Her phone number is: 505-899-0774).

Let me know if you need any more information from me,

Theresa

**Zana Halliday**

03/13/03 03:19 PM

To: ljameson@ch2m.com
cc:
cc:
Subject: Mailing List - Molycorp

1-800 phone call
March 12, 2003

Please add the following name to the mailing list for Molycorp, Inc. Questa, NM:

Marsha Reddell
P.O. Box 986
Questa, NM 87556
Ph: 505-586-1204

e-mail: redhow@paosnm.com

Thanks.

Zana

**Beverly Negri**

03/07/2003 06:59 AM

To: Rachel Conn <rachellconn@yahoo.com>, redhow@Toasnm.com
cc: Zana Halliday/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US, Paul Witthoeft/R6/USEPA/US, Donald Williams/R6/USEPA/US
cc: Beverly Negri/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: RCRC TA contract- hopefully final

As we discussed on the phone late yesterday, please go forward with this contract. The issue under "Ineligible Activities Prohibited", the TA can not serve as the TA at the same site for which the contractor is doing work for any other entity on the Molycorp site. Steve Blodgett is currently working for Amigos Bravos (as of February 6, 2003). Mr. Blodgett and Ken Klco of Azurite, Inc., attended the USGS Baseline Study meeting at Molycorp on Feb. 6 and introduced themselves as the TAG TA (Klco) and an Amigos Bravos representative (Blodgett). This appears to be a Conflict of Interest under the TAG requirements. I recommend that Mr. Blodgett notify the RCRC (and EPA) in writing that he will no longer be working for Amigos Bravos on the Molycorp project during the time he works for the RCRC.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**

03/05/2003 01:54 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: RCRC TA contract- hopefully final

Dear Beverly,

I hope that your surgery went well and that you are healing quickly. I have attached the TA contract once again because I realized that some of the numbering was off in the TA scope of work section (sometimes I hate how word likes to think for you and insert crazy bulleting schemes)

I made a couple of other changes to clean up the contract as you suggested- the lettering was off in one section.

-Rachel

---

Do you Yahoo!?
Yahoo! Tax Center - forms, calculators, tips, more
http://taxes.yahoo.com/

Co.TA.final.contract.doc

Week of 3/3 talked w/ R Conn & asked that she put in writing the several questions she asked during the TAG Conference/WS so that we can respond to the questions.

**Rachel Conn**
**<rachellconn@yahoo.com>**

03/05/03 01:54 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: RCRC TA contract- hopefully final

Dear Beverly,

I hope that your surgery went well and that you are healing quickly. I have attached the TA contract once again because I realized that some of the numbering was off in the TA scope of work section (sometimes I hate how word likes to think for you and insert crazy bulleting schemes)

I made a couple of other changes to clean up the contract as you suggested- the lettering was off in one section.

-Rachel

---

Do you Yahoo!?
Yahoo! Tax Center - forms, calculators, tips, more
http://taxes.yahoo.com/

Co.TA.final.contract.doc

Checked attached draft. OK to sign. Alpha #'s have been corrected.
ZKH
3/6/02

## Technical Advisor Contract

This contract is entered into this (date) of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Azurite Inc. and Steve Blodgett (hereafter referred to as "contractor").

### I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

CONFIDENTIAL

### A. Purpose:

The Rio Colorado Reclamation Committee (RCRC) is entering into this contract with Azurite Inc. and Steve Blodgett who will provide the services of co-technical advisors and assist in the review and analysis of remedial activities at the Molycorp mine site.

### B. Contractual Period and General Statement of Duties:

This contract will cover a 21 month period. This contract may be renewed, at the option of the RCRC, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but it is not to exceed ten years. If the RCRC desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 60 days prior to the expiration of the present term.

The co-technical advisors will assist RCRC members in interpreting documents generated throughout the remedial investigation / feasibility study (RI/FS) process at the Molycorp mine site. The advisors also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that RCRC members and the impacted community are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

### C. Specific Contractor Tasks:

1. The contractor will assist with reviewing, commenting on, and interpreting documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report. The contractor will produce or co-produce concise summary reports or memos for each major document generated during the RI process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by

and interpretations made by the original authors of the reports. No data collection will be done. Copies of all reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 1

Total time for Task 1 over next year= 340 hours

CONFIDENTIAL

Ken Klco-- 170 hours

Steve Blodgett-- 170 hours

2. The contractor will attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, Village of Questa officials and the public. Keep notes of meetings and summarize at RCRC meetings and in the RCRC newsletter. The contractor will provide a concise written summary of each technical meeting at RCRC meetings and in the quarterly newsletter. Copies of all reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 2

Total time for Task 2 over next two years= 190 hours

Ken Klco-- 90 hours

Steve Blodgett-- 90 hours

3. The contractor will assist with reviewing commenting on, and interpreting documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated during the FS phase. The contractor will produce co-produce short summary reports or memos for each major document generated during the FS process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. Copies of all reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 3 over one year (~March 2004-March 2005)

Total time for Task 3 over one-year period= 120 hours

Ken Klco-- 60 hours

Steve Blodgett-- 60 hours

4. Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline

and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final USGS report and write summary for the RCRC. Give regular updates on the status of this study to the RCRC and write concise updates on this activity in the RCRC newsletter. Copies of all reports and summaries will also be sent to the EPA.

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Estimated time for TA to spend on Task 4

Total time for Task 4 from February 2003-September 2004= 50 hours

Ken Klco-- 50 hours

5. Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site. The contractor will prepare or co-prepare written comments on the ROD on behalf of the RCRC. The contractor will also provide oral comments at the RCRC meetings. Copies of all reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 5

Total time for TA to spend on Task 5= 40 hours

Ken Klco-- 20 hours

Steve Blodgett-- 20 hours

6. The contractor will consult with the RCRC board of directors and other Technical Advisors retained by RCRC to make sure that the above listed tasks are completed.

*Charges for Task 6 will be Included In billings for Tasks 1-5 above.*

**D. Reports**

The contractors will submit the following reports

1) Progress Reports:

The Contractors shall submit quarterly progress reports to the RCRC. These reports shall contain the following information summarizing the activities undertaken to date by the Contractors:

a) hours worked, categorized by the Statement of Work tasks;
b) dollars spent by task and total dollars spent for the reporting period;

c) a summary description of activities;
d) a copy of any written materials prepared during the reporting period, if such written materials are required to be submitted to RCRC by the Statement of Work tasks that have not been previously submitted; and
e) an identification of any outstanding concerns about the Molycorp mine site and impacted area which may impact the cleanup process and have not yet been addressed.

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RCRC and the Contractor shall confer and agree on schedules for submission, review and revision, if revision is necessary, of quarterly progress reports.

2) Final Report:

Within 60 days of the end of the contract, the Contractor shall prepare and submit to RCRC, for its review and approval, a final report that shall describe all activities undertaken under the contract and discuss their effectiveness in meeting the purpose of the contract. The RCRC shall review the final report and may require revisions. Upon receipt of the RCRC revisions, the Contractor shall incorporate any revisions necessary and resubmit the final report within 30 days.

**E. Technical Direction and Acceptance:**

The RCRC appoints Mr Roberto Vigil, President, as the overall manager for this contract. He is the only person authorized by RCRC to amend this contract, negotiate changes, receive reports, and accept any other deliverables. The contractor must not incur costs at the direction of anyone else; otherwise RCRC shall not be liable for these costs.

## II. PAYMENT

**A.** The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 50 dollars per labor hour which shall include overhead, general and administrative costs, and any allowed fee or profit.

**B.** Reimbursement for Other Direct Costs, not to exceed $6,000.00, shall be at the following rates:

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |

| | |
|---|---|
| 6. Other expenses (graphics, for example) | at cost |
| 7. Lodging and Per Diem expense | (charged at the government rate) |
| 8. Other travel expenses | at cost |
| 9. Miles driven for RCRC functions | (charged at the government rate) |

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Travel rates shall be limited to approved federal reimbursement rates.
(These rates can be found in 41 CFR 301-304.)

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

$43,000.00

(Forty Three Thousand dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. Orginal receipts for all expenses must accompany each invoice for reimbursement. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

The RCRC is limited under the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.

### B. Final Invoice

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

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### A. Supersession

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

### B. Privity of Contract

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

### C. Termination

1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

2) This contract may be terminated in whole or in part, in writing, by RCRC for it's convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for

convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

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The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

**D. Remedies**

Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

**E. Audit - Access to Records**

1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying

during normal business hours. The contractor will provide proper facilities for such access and inspection.

2) If this is a formally advertised, competitively awarded, fixed-price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

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3) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:
   a) To the extent the records pertain directly to contract performance.

   b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

   c) If the contract is terminated for default or for convenience

**F. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

## G. Gratuities

1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

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2) In the event this contract is terminated as provided in paragraph 1), the RCRC may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

## H. Responsibility of the Contractor

1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review, approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to RCRC or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to RCRC, RCRC-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project

caused by circumstances beyond the contractor's control.

5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that RCRC may have against the contractor for faulty materials, equipment, or work.

## I. Final Payment

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

## J. Conflict of Interest

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An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder

provisions that shall conform substantially to the language of this Agreement.

5) The contractor further agrees to insert into any such subcontract or consulting agreement hereunder provisions that shall conform substantially to the language of this Agreement.

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**K. Personal Conflict of Interest**

1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

**L. Independent Contractor**

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

**M. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government because then they would be reviewing their own work.

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Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

Reopening final EPA decisions or conducting disputes with EPA.

**N. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

**O. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signature**

| | |
|---|---|
| Ken Kl co<br>Azurite Inc. | Date |
| Steve Blodgett | Date |

RCRC

Date

CONFIDENTIAL

**Zana Halliday**
03/03/2003 05:52 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: TA contract

**Rachel Conn**
**<rachellconn@yahoo.com>**
02/24/03 12:28 PM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: TA contract

CONFIDENTIAL

Zana,

I have re attached the contract. I hope you will be albe to open it now.

I added the changes you mentioned in your email from last week. There are other changes from the Feb 3 version that you were commenting on. We were more specific about the tasks and about the amount of time for each task- this was done in attempt to address some of your concerns about needing to break out the tasks more- even though Beverly had said that combining the 2 TA contracts into one would be fine and that we wouldn't need to break out hte tasks any further- at least that was my interpretion of our conversation. We have a meeting on Wednesday and we sould like to be able to pay our TAs for coming so we would like to hear if this version is ok as soon as possible.

Tell Beverly the Questa TAG group wishes her well and a speedy recovery. Thank you for you work on this.

-Rachel

---

Do you Yahoo!?
Yahoo! Tax Center - forms, calculators, tips, more
http://taxes.yahoo.com/

Co.TA.final.contract.doc

## Technical Advisor Contract

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CONFIDENTIAL

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The co-technical advisors will assist RCRC members in interpreting documents generated throughout the remedial investigation / feasibility study (RI/FS) process at the Molycorp mine site. The advisors also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that RCRC members and the impacted community are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

### C. Specific Contractor Tasks:

1) The contractor will assist with reviewing, commenting on, and interpreting documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report. The contractor will produce or co-produce concise summary reports or memos for each major document generated during the RI process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only

interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done. Copies of all reports and summaries will also be sent to the EPA.

2) Estimated time for TA to spend on Task 1

Total time for Task 1 over next year= 340 hours

Ken Klco-- 170 hours

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Steve Blodgett-- 170 hours

3) The contractor will attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, Village of Questa officials and the public. Keep notes of meetings and summarize at RCRC meetings and in the RCRC newsletter. The contractor will provide a concise written summary of each technical meeting at RCRC meetings and in the quarterly newsletter. Copies of all reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 2

Total time for Task 2 over next two years= 190 hours

Ken Klco-- 90 hours

Steve Blodgett-- 90 hours

4) The contractor will assist with reviewing commenting on, and interpreting documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated during the FS phase. The contractor will produce co-produce short summary reports or memos for each major document generated during the FS process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. Copies of all reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 3 over one year (~March 2004-March 2005)

Total time for Task 3 over one-year period= 120 hours

Ken Klco-- 60 hours

Steve Blodgett-- 60 hours

5) Attend meetings with the PRP group, USGS, EPA, and State officials on the study to

be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final USGS report and write summary for the RCRC. Give regular updates on the status of this study to the RCRC and write concise updates on this activity in the RCRC newsletter. Copies of all reports and summaries will also be sent to the EPA.

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Estimated time for TA to spend on Task 4

Total time for Task 4 from February 2003-September 2004= 50 hours

Ken Klco-- 50 hours

6) Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site. The contractor will prepare or co-prepare written comments on the ROD on behalf of the RCRC. The contractor will also provide oral comments at the RCRC meetings. Copies of all reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 5

Total time for TA to spend on Task 5= 40 hours

Ken Klco-- 20 hours

Steve Blodgett-- 20 hours

7) The contractor will consult with the RCRC board of directors and other Technical Advisors retained by RCRC to make sure that the above listed tasks are completed.

*Charges for Task 6 will be Included In billings for Tasks 1-5 above.*

**D. Reports**

The contractors will submit the following reports

1) Progress Reports:

The Contractors shall submit quarterly progress reports to the RCRC. These reports shall contain the following information summarizing the activities undertaken to date by the Contractors:

a) hours worked, categorized by the Statement of Work tasks;

b) dollars spent by task and total dollars spent for the reporting period;
c) a summary description of activities;
d) a copy of any written materials prepared during the reporting period, if such written materials are required to be submitted to RCRC by the Statement of Work tasks that have not been previously submitted; and
e) an identification of any outstanding concerns about the Molycorp mine site and impacted area which may impact the cleanup process and have not yet been addressed.

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RCRC and the Contractor shall confer and agree on schedules for submission, review and revision, if revision is necessary, of quarterly progress reports.

2) Final Report:

Within 60 days of the end of the contract, the Contractor shall prepare and submit to RCRC, for its review and approval, a final report that shall describe all activities undertaken under the contract and discuss their effectiveness in meeting the purpose of the contract. The RCRC shall review the final report and may require revisions. Upon receipt of the RCRC revisions, the Contractor shall incorporate any revisions necessary and resubmit the final report within 30 days.

ok **E. Technical Direction and Acceptance:**

The RCRC appoints Mr Roberto Vigil, President, as the overall manager for this contract. He is the only person authorized by RCRC to amend this contract, negotiate changes, receive reports, and accept any other deliverables. The contractor must not incur costs at the direction of anyone else; otherwise RCRC shall not be liable for these costs.

## II. PAYMENT

**A.** The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 50 dollars per labor hour which shall include overhead, general and administrative costs, and any allowed fee or profit.

**B.** Reimbursement for Other Direct Costs, not to exceed $6,000.00, shall be at the following rates:

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |

| | |
|---|---|
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |
| 7. Lodging and Per Diem expense | (charged at the government rate) |
| 8. Other travel expenses | at cost |
| 9. Miles driven for RCRC functions | (charged at the government rate) |

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Travel rates shall be limited to approved federal reimbursement rates.
(These rates can be found in 41 CFR 301-304.)

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

$43,000.00

(Forty Three Thousand dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. Orginal receipts for all expenses must accompany each invoice for reimbursement. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

The RCRC is limited under the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.

### B. Final Invoice

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

CONFIDENTIAL

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

### A. Supersession

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

### B. Privity of Contract

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

### C. Termination

1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

2) This contract may be terminated in whole or in part, in writing, by RCRC for it's convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If

termination for default is effected by the contractor, or if termination for convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

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The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

**D. Remedies**

Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

OK

**E. Audit - Access to Records**

1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records,

documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

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2) If this is a formally advertised, competitively awarded, fixed-price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

3) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:
   a) To the extent the records pertain directly to contract performance.

   b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

   c) If the contract is terminated for default or for convenience

**G. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

## H. Gratuities

1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

2) In the event this contract is terminated as provided in paragraph 1), the RCRC may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

## I. Responsibility of the Contractor

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1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review, approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to RCRC or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to RCRC, RCRC-furnished data, or any third

party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that RCRC may have against the contractor for faulty materials, equipment, or work.

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**J. Final Payment**

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

**K. Organizational Conflict of Interest**

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest.

If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

5) The contractor further agrees to insert into any such subcontract or consulting agreement hereunder provisions that shall conform substantially to the language of this Agreement.

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**L. Personal Conflict of Interest**

1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

**M. Independent Contractor**

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

**N. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government or any other entity.

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Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

Reopening final EPA decisions or conducting disputes with EPA.

**O. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

**P. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signatures**

Ken Kl co
Azurite Inc.

Date

Steve Blodgett

Date

RCRC

Date

CONFIDENTIAL

**Mark Purcell**

02/24/03 02:05 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Molycorp TAG

Beverly,

My comments on the Rio Colorado Reclamation Committee (RCRC) Technical Advisor Contract (TAC) and the qualifications of the two contractors, Steve Blodgett and Azurite, Inc., are as follows:

1. The contractors are outstanding selections by the RCRC and bring a wealth of experience to the Molycorp project;

2. Paragraph C. of the TAC does not identify the individual tasks to be completed by each contractor. The contractors may actually shall some tasks, while others are separate. I recommend that it be revised to specifically identify the tasks each contractor will perform.

3. Under Paragraph N, Ineligible Activities Prohibited, the TA is not allowed to work for any other entity on the Molycorp site. Yet Steve Blodgett is currently working for Amigos Bravos (as of February 6, 2003). Mr. Blodgett and Ken Klco of Azurite, Inc., attending the USGS Baseline Study meeting at Molycorp on Feb. 6 and introduced themselves as the TAG TA (Klco) and an Amigos Bravos representative (Blodgett). This appears to be a Conflict of Interest under the TAG requirements. If it is, I recommend that Mr. Blodgett notify the RCRC (and EPA) in writing that he will no longer be working for Amigos Bravos on the Molycorp project, or at least during the time he works for the RCRC.

Mark

Recd 2/3/03

COPY

# Technical Advisor Contract

This contract is entered into this (date) of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Azurite Inc. and Steve Blodgett (hereafter referred to as "contractor").

## I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

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### A. Purpose:

The Rio Colorado Reclamation Committee (RCRC) is entering into this contract with Azurite Inc. and Steve Blodgett who will provide the services of co-technical advisors and assist in the review and analysis of remedial activities at the Molycorp mine site.

### B. Contractual Period and General Statement of Duties:

This contract will cover a 21 month period. This contract may be renewed, at the option of the RCRC, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but it is not to exceed ten years. If the RCRC desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 60 days prior to the expiration of the present term.

The co-technical advisors will assist RCRC members in interpreting documents generated throughout the remedial investigation / feasibility study (RI/FS) process at the Molycorp mine site. The advisors also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that RCRC members and the impacted community are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

### C. Specific Contractor Tasks: 1/2/3/4/5

Copies of all reports + summaries will also be

1) The contractor will assist with reviewing, commenting on, and interpreting documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report. The contractor will produce or co-produce concise summary reports or memos for each major document generated during the RI process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

2) The contractor will attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, Village of Questa officials and the public. Keep notes of meetings and summarize at RCRC meetings and in the RCRC newsletter. The contractor swill provide a concise written summary of each technical meeting at RCRC meetings, ~~and~~ in the quarterly newsletter produced by RCRC. and a copy will be sent to EPA

3) The contractor swill assist with reviewing commenting on, and interpreting documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated during the FS phase. The contractors will produce co-produce short summary reports or memos for each major document generated during the FS process. These summaries will be handed out at RCRC meetings, ~~and will be~~ reproduced in the RCRC newsletter, and copies of all summaries will be sent to EPA.

4) Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final USGS report and write summary for the RCRC. & EPA Give regular updates on the status of this study to the RCRC and write concise updates on this activity in the RCRC newsletter.

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5) Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site. The contractor will prepare or co-prepare written comments on the ROD on behalf of the RCRC, and provide a copy to EPA. The contractors will also provide oral comments at the RCRC meetings.

6) The contractors will consult with the RCRC board of directors and other Technical Advisors retained by RCRC to make sure that the above listed tasks are completed.

**D. Reports**

The contractors will submit the following reports

no comments

1) Progress Reports:

~~monthly~~ Pg. 37 of procurement manual monthly reports

The Contractors shall submit quarterly progress reports to the RCRC. These reports shall contain the following information summarizing the activities undertaken to date by the Contractors:

a) hours worked, categorized by the Statement of Work tasks;
b) dollars spent by task and total dollars spent for the reporting period;
c) a summary description of activities;
d) a copy of any written materials prepared during the reporting period, if such written materials are required to be submitted to RCRC by the Statement of Work tasks that have not been previously submitted; and

e) an identification of any outstanding concerns about the Molycorp mine site and impacted area which may impact the cleanup process and have not yet been addressed.

RCRC and the Contractor shall confer and agree on schedules for submission, review and revision, if revision is necessary, of quarterly progress reports.

2) Final Report:

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Within 60 days of the end of the contract, the Contractor shall prepare and submit to RCRC, for its review and approval, a final report that shall describe all activities undertaken under the contract and discuss their effectiveness in meeting the purpose of the contract. The RCRC shall review the final report and may require revisions. Upon receipt of the RCRC revisions, the Contractor shall incorporate any revisions necessary and resubmit the final report within 30 days.

**E. Technical Direction and Acceptance:**

OK now

The RCRC appoints Mr Roberto Vigil, President, as the overall manager for this contract. He is the only person authorized by RCRC to amend this contract, negotiate changes, receive reports, and accept any other deliverables. The contractor must not incur costs at the direction of anyone else; otherwise RCRC shall not be liable for these costs.

## II. PAYMENT

**A.** The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 50 dollars per labor hour which shall include overhead, general and administrative costs, and any allowed fee or profit.

**B.** Reimbursement for Other Direct Costs, not to exceed $6,600.00, shall be at the following rates:

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |
| 7. Lodging and Per Diem expense | (charged at the government rate) |

8. Other travel expenses at cost

9. Miles driven for RCRC functions (charged at the government rate)

Travel rates shall be limited to approved federal reimbursement rates. (These rates can be found in 41 CFR 301-304.)

CONFIDENTIAL

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

$43,100.00

(Forty Three Thousand and One hundred dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. Orginal receipts for all expenses must accompany each invoice for reimbursement. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

monthly no comment

The RCRC is limited ~~under~~ the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. ~~Thus,~~ contractor payment is also subject to this payment schedule.

### B. Final Invoice

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

CONFIDENTIAL

### A. Supersession

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

### B. Privity of Contract

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

### C. Termination

1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

2) This contract may be terminated in whole or in part, in writing, by RCRC for it's convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

   The equitable adjustment for any termination shall provide for payment to the

contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

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4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

**D. Remedies**

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Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

E not F

**E. Audit - Access to Records**

1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

2) If this is a formally advertised, competitively awarded, fixed-price contract, the

contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

3) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:
   a) To the extent the records pertain directly to contract performance.

   b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

   c) If the contract is terminated for default or for convenience

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**G. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

**H. Gratuities**

1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of

entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

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2) In the event this contract is terminated as provided in paragraph 1), the RCRC may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

## I. Responsibility of the Contractor

1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review, approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to RCRC or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to RCRC, RCRC-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish

any other rights that RCRC may have against the contractor for faulty materials, equipment, or work.

**J. Final Payment**

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Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

**K. ~~Conflict of Interest~~** Organizational Conflict of Interest no comment

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

**L. Personal Conflict of Interest**

1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

**M. Independent Contractor**

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The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

**N. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government or any other entity.

Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

Reopening final EPA decisions or conducting disputes with EPA.

**O. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

**P. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signatures**

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| | |
|---|---|
| Ken Kl co<br>Azurite Inc. | Date |
| Steve Blodgett | Date |
| RCRC | Date |

Total $26,550 - 5,450 = $31,900

$21,550

40,000 Budget

500.00 a day

1st Draft

COPY

RECEIVED
EPA REGION VI
JAN 27 PM 3:20

# Technical Advisor Contract

This contract is entered into this (date) of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Ken Klco (hereafter referred to as "contractor").

no

## I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

### A. Purpose:

The Rio Colorado Reclamation Committee (RCRC) is entering into this contract with Ken Klco who will provide the services of a technical advisor and assist in the review and analysis of remedial activities at the Molycorp mine site.

### B. Contractual Period and General Statement of Duties:

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why?

This contract will cover a 21 month period. This contract may be renewed, at the option of the RCRC, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but it is not to exceed ten years. If the RCRC desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 60 days prior to the expiration of the present term.

The technical advisor will assist RCRC members in interpreting documents generated throughout the remedial investigation / feasibility study (RI/FS) process at the Molycorp mine site. The advisor also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that RCRC members and the impacted community are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

Pg. 36 of manual

### C. Specific Contractor Tasks:

a 1) The contractor will assist with reviewing, commenting on, and interpreting documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report. The contractor will produce or co-produce concise summary reports or memos for each major document generated during the RI process. These summaries will be

Same errors in both TA draft contracts

handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

2) The contractor will attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, Village of Questa officials and the public. Keep notes of meetings and summarize at RCRC meetings and in the RCRC newsletter. The contractor will provide a concise written summary of each technical meeting at RCRC meetings and in the quarterly newsletter produced by RCRC.

3) The contractor will assist with reviewing commenting on, and interpreting documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated during the FS phase. The contractor will produce co-produce short summary reports or memos for each major document generated during the FS process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter.

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4) Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final USGS report and write summary for the RCRC. Give regular updates on the status of this study to the RCRC and write concise updates on this activity in the RCRC newsletter.

5) Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site. The contractor will prepare or co-prepare written comments on the ROD on behalf of the RCRC. The contractor will also provide oral comments at the RCRC meetings.

6) The contractor will consult with the RCRC board of directors and other Technical Advisors retained by RCRC to make sure that the above listed tasks are completed.

D. Progress Reports

The contractor will submit the following reports

1) Progress Reports:

monthly? See pg 37 in procurement manual

The Contractor shall submit quarterly progress reports to the RCRC. These reports shall contain the following ~~information~~ summarizing the activities undertaken to date by the Contractor:

a) hours worked, categorized by the Statement of Work tasks;
b) dollars spent by task and total dollars spent for the reporting period;
c) a summary description of activities;

d) a copy of any written materials prepared during the reporting period, if such written materials are required to be submitted to RCRC by the Statement of Work tasks that have not been previously submitted; and
e) an identification of any outstanding concerns about the Molycorp mine site and impacted area which may impact the cleanup process and have not yet been addressed.

RCRC and the Contractor shall confer and agree on schedules for submission, review and revision, if revision is necessary, of quarterly progress reports.

2) Final Report:

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Within 60 days of the end of the contract, the Contractor shall prepare and submit to RCRC, for its review and approval, a final report that shall describe all activities undertaken under the contract and discuss their effectiveness in meeting the purpose of the contract. The RCRC shall review the final report and may require revisions. Upon receipt of the RCRC revisions, the Contractor shall incorporate any revisions necessary and resubmit the final report within 30 days.

Omitted

E. Technical Direction & Acceptance

**II. PAYMENT**

**A.** The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 50 dollars per labor hour which shall include overhead, general and administrative costs, and any allowed fee or profit.

**B.** Reimbursement for Other Direct Costs, not to exceed $3,300.00, shall be at the following rates:

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |
| 7. Lodging and Per Diem expense | (charged at the government rate) |
| 8. Other travel expenses | at cost |

9. Miles driven for RCRC functions (charged at the government rate)

Travel rates shall be limited to approved federal reimbursement rates.
(These rates can be found in 41 CFR 301-304.)

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

$21,550.00

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(Twenty One Thousand Five Hundred and Fifty Dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. Orginal receipts for all expenses must accompany each invoice for reimbursement. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

can bill monthly if they have invoices

The RCRC is limited under the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.

### B. Final Invoice

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

1. **A. Supersession**

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

2. **B. Privity of Contract**

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This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

3 **C. Termination**

a 1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

b 2) This contract may be terminated in whole or in part, in writing, by RCRC for it's convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

c 3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for

convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

d 4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

e 5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

f 6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

4. **D. Remedies**

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Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

there is "E" Technical Direction and Acceptance

5. **F. Audit - Access to Records**

a 1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of

the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

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b 2) If this is a formally advertised, competitively awarded, fixed-price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

c 3) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

d 4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

e 5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

f 6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:

1. a) To the extent the records pertain directly to contract performance.

2. b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

3. c) If the contract is terminated for default or for convenience

6 **G. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide

established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

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7. **H. Gratuities**

a 1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

b 2) In the event this contract is terminated as provided in paragraph 1), the RCRC may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

8. **I. Responsibility of the Contractor**

a 1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

b 2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

c 3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review,

approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

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d 4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to the Coalition or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to the Coalition, Coalition-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

e 5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that the Coalition may have against the contractor for faulty materials, equipment, or work.

9. **J. Final Payment**

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

10. **K. ~~Conflict of Interest~~** Organizational Conflict of Interest

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

a 1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

b 2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

c 3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full

disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

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d 4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

missing "e" 89.44

11. ~~L~~. **Personal Conflict of Interest**

a 1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

b 2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

c 3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

d 4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

12. **M. Independent Contractor**

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social

Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

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13. **N. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government or any other entity.

Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

Reopening final EPA decisions or conducting disputes with EPA.

14. **O. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

15. **P. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signatures**

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| | |
|---|---|
| Ken Klco | Date |
| RCRC | Date |

**Zana Halliday**

02/18/03 09:40 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Mark Purcell/R6/USEPA/US@EPA, Darlene Coulson/R6/USEPA/US@EPA
Subject: Re: Revised TA Contract for the RCRA TAG, Molycorp, Inc. SF Site, Grant No.

While we were ready to comment on your draft TA contract we received in EPA on Feb. 3, I received your e-mail of 2/17, but am not able to pull up this revised draft TA contract. Therefore, the comments I am providing are on the TA draft received by us on Feb. 3, and they may be irelevant. See comments below:

C. Specific Contractor Tasks: Item 1 through 5, add the following to each of these items:
Copies of all reports and summaries will also be sent to the EPA.

Under V. General Clauses - F. Audit, should be E. Audit. Your alpha numbering system is off from F. Audit (should be
E. Audit) to the end of the contract.

Under K. (should be J). Conflict of Interest, please add #5. as follows:
5) The contractor further agrees to insert into any such subcontract or consulting agreement hereunder
provisions that shall conform substantially to the language of this Agreement.

If there are no other major changes, you can go forward with this draft TA contract we received Feb. 3, making the above changes.

**Rachel Conn**
**<rachellconn@yahoo.com>**

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Revised Contract

02/17/03 06:25 PM

Zana,

I have revised the Contract to be more specific. Please let me know as soon as possible if this contract is good to go. We want the TAs to be able to officially work at the Community meeting next week.

I can be reached at work from 9-10am Tuesday morning - 758-3874 or at home on Thursday 719-672-0401. I will be checking my email all week.

-Rachel

---

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Co.TA.2.contract

**Zana Halliday**

02/13/03 11:30 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Donn Walters/R6/USEPA/US@EPA, Beverly Negri/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: Re: Questa, RCRC , meeting

Rachel,

I have answered both questions with items 1 and 2, following each of your questions.

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**

02/13/03 10:50 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Questa, RCRC , meeting

Zana,

Have you spoken to Mark yet about the TA contracts?
You can still reach me at work today 505-758-3874.

1. The Technical Advisor(TA) Contract is still under review by both Beverly and Mark Purcell. Both of them are out of the office at this time. May I remind you that a TA applicant should not do any technical work related to the RCRC TAG until a TA contract is signed by all concerned, as those costs are not reimbursable by EPA without a signed TA contract in place.

We are planning a community meeting on Feb 26th and we want to send out a mailing. We have a list of folks but I was wondering if you could share the list of people that you let know about the community meeting that you held in November. We would need the list as soon as possible if you are able to share it with us.

2. Unfortunately, EPA cannot share an internal EPA mailing list with you at this time. A suggestion for you is to post a notice in your cafe, laundry, city hall, wherever people meet and would see the notice of a community meeting that you plan to hold.

-Rachel

---

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1. Basically, EPA needs to insure that we watch invoicing to prevent double billing for same work.
2. Not important that there are 2 contractors as long as they don't do same work.

**Zana Halliday**

02/12/03 01:26 PM

To: Beverly Negri/R6/USEPA/US,
cc:
cc:
Subject: TA Contract - Molycorp

Several days ago Rachel Conn, RCRC, Molycorp, Inc. called concerning a draft TA Contract. She wanted to know if she could have both contractors sign the combined contract, as she wanted Ken Blodgett to attend their meeting Thursday, Feb. 13.

I told her that I was not comfortable with the combined contract as it did not state which tasks each contractor would be doing. She told me "Beverly told her it was ok to combine the contract into one contract so she could go ahead and get the contract signed." I told her "since I did not like the way the contract read, I had given a draft copy to the RPM (Mark Purcell) to read and comment on it, and he had until Feb. 24 to respond to Beverly." Mark went to Molycorp on Wed. (Feb. 5) and said he would see if he could talk to Rachel. Rachel said Mark had talked to Steve Blodgett, but Mark will not be back into the office until Feb. 24 for me to get his comments. I told Rachel you would be out of the office until Mar. 3.

I do not find any e-mail to the file from you to Rachel telling her to combine contracts, so I think she is mistaken about this.

"Jameson, Lorraine/DFW" <ljameson@CH2M.com >

To: Zana Halliday/R6/USEPA/US@EPA
cc: Duke Ducote/R6/USEPA/US@EPA
Subject: RE: Returns from Molycorp Fact Sheet mailed out.

02/06/03 04:46 PM

Thanks for checking on that. We'll be sure and delete those when they get here. Enjoy your weekend.

-----Original Message-----
From: Halliday.Zana@epamail.epa.gov
To: Jameson, Lorraine/DFW
Cc: Ducote.Duke@epamail.epa.gov
Sent: 2/6/2003 3:01 PM
Subject: Returns from Molycorp Fact Sheet mailed out.

I called the U.S. Post Office in Questa, NM, 505-586-0691, talked to a lady named Doris. I read off all the addresses of those Molycorp Fact Sheets that were returned "box closed", etc. All but 2 had moved away, one was deceased, one has a different box # which she gave me. I marked all of them with appropriate comments. Duke will be mailing them to you.

We will probably have more in like this, but it will probably be next week.

Have a great weekend.

Zana

**Beverly Negri**

02/04/03 06:48 AM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Molycorp TA Contract

Mark,

Please review the contract and let me know by February 24 ~~know~~ if you have any problems with the planned work products.

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**

02/03/2003 10:27 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: TA Contract

Dear Beverly,

Please see attached revised contract. I sent you an email earlier but I am not sure if I sent it correctly. I have added the additional section and have combined the two contracts. Both Ken and Steve have no problem with having one contract for both of them. I would like to have them sign the contract this week because there is a meeting on Thursday that we would like Ken to attend.

Thanks

-Rachel

---

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Co.TA.contract.doc

**Beverly Negri**

01/29/2003 09:04 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Zana Halliday/R6/USEPA/US, Darlene Coulson/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: I forgot the attachments

January 29, 2003

The U.S. Environmental Protection Agency (EPA) has reviewed the three draft contracts for the Rio Colorado Reclamation Committee (RCRC).

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The draft contract for the Technical Assistance Grant (TAG), i.e. Grant Administrator contract with Patrick Nicholson includes all of the required general clauses outlined on pages 39/46 of the TAG Procurement handbook. While there are several questions I would like to ask, it is suggested that RCRC moves forward with the awarding of this contract.

- Under **B. Reimbursement for Other Direct Costs,** the dollar amount shown is $800.000. I believe this amount is really $800.?
- It is unusual to pay travel expenses for a TAG administrator. What travel is the Administrator going to do?

Please be aware that TAG recipients are responsible for the settlement and satisfactory completion of all contractual and administrative issues that may arise under the TAG agreements. TAG recipients must ensure that the contractor performs in accordance with the terms and conditions of the contract. The EPA concurrence process with the contract does not relieve RCRC of the responsibility to ensure the validity of the supporting documentation, including cost and pricing data and is without prejudice to a redetermination of allowable or unallowable costs should a post review or audit disclose facts not now discernible.

I have also reviewed the two draft contracts for the Technical Advisors (TA), one for Ken Klco and one for Steve Blodgett. I can not consider the two draft TA contracts valid contracts for the following reasons.

- With the exception of the names of the potential TAs, all of the other language in the contracts is the same.
- Both drafts have the same errors and the same omissions of information.
- Both drafts are lacking the section on "Technical Direction and Acceptance".
- If both TAs are replicating the same work assignments as indicated in the draft contracts, we cannot pay both TAs, as this is considered duplication of effort. The TAs need to be doing different technical analysis/work related to the Molycorp site.
- In addition, both contracts state that the maximum amount of the contract is $21,550. But in the letter attached to the draft contract for Mr. Blodgett, he says, "The sum for all of theses tasks plus expenses is $40,000 for the projected two-year grant period." Mr. Klco states in the letter attached to his draft contract, "... Azurite proposes a billing rate of $50.00/hour, office and field rate, with a daily maximum rate of $500.00/day." He does not provide a total amount for his contract charges.
- Neither of the contract figures in the draft contracts are the same as the cost figures in the

attached letters.

It is imperative that you review the above concerns and redo the draft TA contracts. Once you have resubmitted the new draft TA contracts to EPA for review, and we have concurred with them, you can go final. Your TAs cannot do any TAG related work until you have a final signed TA contracts.

It is important to note that the total of the three contracts cannot exceed the amount allocated in the TAG's Contractual budget category of $58, 450. With the TAG Administrator's contract amount being $5,000 this leaves a balance of $53,450 in the Contractual category. I am concerned that RCRC will have to expend $8,450 of their own in-kind funds to pay the contracts. Perhaps RCRC might want to consider limiting the total amount for all three contracts to the $50,000 Federal funds allocated for the TAG If you chose to do this you will need to modify your TAG budget. Please let me know what you want to do.

If you have any questions, please call us at 1-800-533-3508.

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Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rachellconn@yahoo.com>

---

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Grant Administrator Contr.d

TA.Ken.contract.doc

TA.steve.contract

**Beverly Negri**

01/23/2003 03:05 PM

To: redhow@taosnm.com
cc: rachellconn@yahoo.com, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: TAGwoekshop Feb.28.

Marsha,

This Workshop has been in the works for almost a year. The notice for the TAG Workshop got sent out to TAG recipients from HQ. I then turned around and sent the notice to my TAG recipients in Region 6. At the time I sent the message out to Rio Colorado Reclamation Committee (RCRC), your name/address had not been added to the e-mail list. I am very regretful that you guys can't come due to hotel costs, but I do remember that during our meeting with the Board, David Douglas made an offer to let folks stay at his place in Albuquerque. Perhaps that offer still stands and some of you can attend the Workshop.

You will receive information from Region 6 as your name/address are on the site mailing list. When it come to official TAG correspondence, the TAG Award with RCRC has Roberto Vigil and Rachel Conn as the official contacts and all RCRC TAG mailings/correspondence are sent to both of them.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Zana Halliday

**marsha**
**<redhow@taosnm.com**
**>**

01/23/2003 08:59 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: TAGwoekshop Feb.28.

Hello Zana ,
My name is Marsha Reddell and I am with the Questa NM TAG. I just got the information through Rachel Conn about the Feb. workshop in Alb.nm. I am sorry I cant go due to not knowing about the deadline to sign up. I would like to recieve information from your office directly so I dont miss out on anymore workshops and such. I have been involved with this group for a couple of years and I am one of the board of directors. Sorry I cant afford the Shearton Uptown rates or I would gladly go. I thought I signed up to be on the list to recieve information when you all were here last fall. If I am not on the list could you please give Brook my address and E-Mail. Thanks so much, Marsha Reddell. P.O. Box. 986 Questa, NM. 87556. E-Mail>redhow@taosnm.com (505)586-1204

**Zana Halliday**

01/22/2003 01:20 PM

To: Beverly Negri/R6/USEPA/US,
cc:
cc:
Subject: TAG Workshop

1-800 Call
January 22, 2003

MOLYCORP, Questa, NM
Rachel Conn
719-672-0401

Voice mail: She called asking about the TAG workshop. I returned her call on her voice mail, told her I had e-mailed her information on the hotel, the address, phone number, location. Also told her that TAG funds could not be used for her travel as she was not a presenter and that the deadline for presenters was Nov. 22, 2002. I told her she was welcome to attend the workshop, and we would look forward to seeing her there. I suggested she check her e-mail for my message on the hotel.

**Zana Halliday**

01/22/2003 09:14 AM

To: rachellconn@yahoo.com
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: TAG Workshop

I know that Beverly talked to you about the workshop, but she asked me to give you the hotel, and some additional information about location, etc. TAG funds canot pay for your travel. The only pay will be those TAG recipients who are "presenters", and that deadline was November 22, 2002, for those presenters. But, you are most welcome to attend the workshop at your own expense. The TAG workshop will be Friday, Feb. 28 and part of Saturday, March 1.

The hotel in Albuquqerque for the TAG workshop is:

Sheraton Albuquerque Uptown Hotel
2600 Louisiana Blvd. NE
Albuquerque, NM 87110
Phone: 505-881-0000 or 800-252-7772
e-mail: www.sheratonuptown.com

From the north: Take 1-25 South to I-40, exit I-40 east, continue to Louisiana Blvd. Exit onto Louisiana Blvd. North (Exit 162) and go approximately one mile north to Menaul Blvd. The hotel is on the corner of Menaul Blvd. and Louisiana Blvd.

When we have a timed agenda we will e-mail that to you also so you will know what time the workshop starts. If you plan to attend, we look forward to seeing you there.

Zana K. Halliday
USEPA-Superfund Division
Technical Assistance Grants - Assistant
214.665.8363
halliday.zana@epa.gov
Have a wonderful day!

**Jim Kuipers**
**<jke@montana.com>**
01/03/2003 03:54 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Re: Molycorp

Beverly,

Sorry I couldn't get back to you this week, but I'll try early next week. I've been trying to help the local groups (RCRC, Amigos Bravos, Village of Questa) based on my experience as a TA for TAGs at several other sites, in which the level of public involvement has greatly varied (as has the satisfaction of the public with the process). It would be great if we could share perspectives and I could help explain why EPA is conducting the process in the way it is at Questa.

Jim K.

----- Original Message -----
From: <Negri.Beverly@epamail.epa.gov>
To: <Purcell.Mark@epamail.epa.gov>
Cc: <Williams.Donald@epamail.epa.gov>; "Jim Kuipers" <jke@montana.com>
Sent: Monday, December 23, 2002 2:40 PM
Subject: Re: Molycorp

>
> Jim,
>
> I am the TAG Project Officer as well as the Community Involvement
> Coordinator and am really the best contact when it comes to the TAG
> questions. I will be in the office tomorrow until 11:00 AM and will be
> in the office on Thursday and Friday too.
>
> Beverly Negri
> Superfund Community Involvement
> Technical Assistance Grants Project Officer
> 214.665.8157 or 1-800-533-3508 (Toll Free)
> negri.beverly@epa.gov
>
>
>
>
> Mark Purcell
> To: Jim Kuipers
<jke@montana.com>
> 12/23/2002 09:01 cc: Beverly
Negri/R6/USEPA/US@EPA, Donald Williams/R6/USEPA/US@EPA
> AM Subject: Molycorp
>
>
>
>
>
> Jim,
>
> I'm available after the New Year to discuss the TAG participation, but
> feel free to call Beverly Negri (214-665-8157) or Don Williams
> (214-665-2197). Beverly is our Community Involvement Coordinator for
> the Molycorp site and can answer the questions regarding the TAG.

>
> We have provided a copy of the Molycorp draft-final RI/FS Work Plan to
> the Village of Questa and plan to send one to the TAG representative in
> January.
>
> Happy holidays!
>
> Mark
>
>
>
>

December 19, 2002

Ms. Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Re: Molycorp, Inc. Superfund Site
Technical Assistance Grant (TAG)
No. 1-98687101-0
Quarterly Progress Report

Dear Ms. Conn:

The U.S. Environmental Protection Agency received the Rio Colorado Reclamation Committee Quarterly Progress Report for the period October 1 - November 15, 2002. A copy of this report has been forwarded to Mark Purcell, Remedial Project Manager. We appreciate your prompt submission of this report.

If you have any TAG questions, call me or Zana Halliday at 1-800-533-3508.

Sincerely,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Roberto Vigil, President
Rio Colorado Reclamation Committee
P.O. Box 333
Questa, NM 87556

**Beverly Negri**
12/19/2002 11:24 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Zana Halliday/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: Re: TA meeting attendance and contracts

**Answers are in bold red immediately adjacent to the questions below.**

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**
12/17/2002 12:31 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: TA meeting attendance and contracts

Dear Beverly,

Happy Holidays!

I hope all is well down there. We have been moving ahead with hiring our TA. We have narrowed it down to two candidates (we received over 7 proposals). We have a couple of questions- First of all it has come to our attention that there is a meeting on January 8 and 9th of the Technical Working Group. This is a subset of the Technical Review Committee that meets a couple of days before the TRC meeting and then reports back to the TRC. The TWG meets to discuss technical issues regarding the reclamation process at Molycorp. Molycorp, the State, the Village of Questa and Amigos Bravos all send representatives to the TWG meetings. Our Tag group would like to send our TA to these meetings and we were hoping to send them to the meeting in January. My questions are: 1. Can we send our TA to these meetings?
**Answer: The Technical Working Group is not a Superfund meeting and is not within our purview to invite anyone to the meeting. You might contact Holland Shepherd with the New Mexico Department of Environmental Quality Mining & Minerals Division about your TA attending the meeting. If the TA is invited to the meeting, unless the TA contract has been reviewed by EPA and a final signed contract is in place, the TA can't be paid with TAG funds.** 2. How much time does it
typically take for the EPA to review our draft contract?
**Answer: Unless I am on travel, it usually takes me two days to review the draft TA contract. In January I will be on travel on January 2, January 9, the week of January 13 and January 22. So I would not be able to turn the contract review around in two days during those times.**

My understanding of the process is that we decide upon our technical advisor and draft a contract. We then

send the draft contract and the proposed TA's resume and application to the EPA. You then review both and approve or suggest changes and then we make the changes if necessary and have our TA sign the contract and only then can have the TA do any work for us. Is this correct? How long does this process typically take? **Answer: Once I get a copy of the draft TA contract (and I prefer to receive it electronically), I review it to determine if the TA Scope of Work is consistent with the TAG agreement. I also review the contract to ensure that certain EPA required phrases are included in the contract. In reality I don't "approve" the contract. If changes are recommended, I send them back to you electronically and ask for a new draft copy that include my recommendations.**

Also I believe you said that you would send us a sample contract. Could you fax that to me if you can 505-758-7345? Or if you can only snail mail that is fine as well. **A draft TA contract containing all of the required EPA language is attached. Call me if you have any questions.**

tacontra.wp

Thank you for your time.

-Rachel

---

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CC: Purcell 12/18/02

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556
Rcrctag@yaoo.com www.rcrc.nm.org

RECEIVED
EPA REGION VI
02 DEC 17 PM 2:19
PROGRAMS MGMT BRANCH

Beverly Negri
Zana Halliday
6 SF-/PO
USEPA Region 6
1445 Ross Avenue – Suite 1200
Dallas, TX 75202-2733

December 9, 2002

Dear Beverly and Zana,

Enclosed is our first quarterly progress report. The dates on the report are from 10/01/02 – 11/15/02 because I wrote up the report and then sent it out to the rest of board for additions and approval and it has taken me awhile to hear back from everybody. Our next report will include this past month. I am also including the ads for the technical advisor and grand administration from the Taos News and High Country News. I don't have a copy of the Albuquerque Journal ads yet. The Douglases have a copy and I keep on forgetting to get a copy from them. I am also including a copy of the resume and interview write-up for our new grant administrator.

We received the money and we have been writing much needed reimbursement checks. Thank you for sending it so quickly.

Thank you for all of your help.

Sincerely,

Rachel Conn

Rachel Conn
Program Director
Rio Colorado Reclamation Committee

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**Paul Witthoeft**
12/03/2002 11:45 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Short Answer to Beverly's Reply to Paul's Reply to Comment on Paul's-Earlier-Reply : TAG Liability {Non-Profit Corp.} {Not an allowable cost} & North Ryan

Hmmmm . . . regarding 'new' question : **It Depends** (on how 'tough' you want to be?) . . . including . . . * Start Now **telling them in writing** that their future TAg eligibility depends upon present performance [of which there is none] + while pleased that most of current Board 'likes what EPA is doing now," . . . failure to hire a TA to give more scientific training to the review of what EPA is doing now is . . . usurping the TA function ?

* . . . of course, after years in Enforcement, my choice would be : Let's send them a 'Notice Of Intent to Terminate' in accordance with 40 CFR 30.xx since they are Not Accomplishing the Functions of the Grant {hired no TA, printed no Newsletter.s, did nothing}, and . . . either terminate the grant or ...at least put them on notice and/or on the defensive, due to the whistling sound of Incoming from EPA ?

further discussion likely, with

Paul M. Witthoeft, J.D., M.P.A.
Assistant Regional Counsel (6RC-D)

Beverly Negri

**Beverly Negri**
11/29/2002 06:16 AM

To: Paul Witthoeft/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Reply to Comment on Paul's-Earlier-Reply : TAG Liability {Non-Profit Corp.} {Not an allowable cost} & North Ryan

Paul,

Thanks for the follow-up...I am not sending this on to my HQ TAG contact. If Leslie chooses to do so, that's OK. By the way, Leslie is no longer working with TAGs.

I do have another question for you. I have a TAG recipient who has expended absolutely no TAG funds and the TAG is 2 years into its budget/project period. When I expressed concern about the non-spending to the organization's president, he stated, "We like what EPA is doing right now, but if you guys don't do what we like, we'll hire a TA." Well, I tried to tell him that continued TAG awards were tied to how well TAG groups expended and managed the initial $50,000 TAG funds, but he didn't hear me. What can I do to get the group jump started or make sure we have covered all of the required bases when they come in for a second TAG and I tell them no?

Beverly

Paul Witthoeft

**Paul Witthoeft**
11/27/2002 03:30 PM

To: Carol Cowgill/DC/USEPA/US@EPA
cc: Leslie Darman/DC/USEPA/US@EPA, Beverly Negri/R6/USEPA/US@EPA
Subject: Reply to Comment on Paul's-Earlier-Reply : TAG Liability

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{Non-Profit Corp.} {Not an allowable cost}

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I'll share your note with her, to keep her informed of the possibilties here.
Perhaps, in some other appropriate case, she might opine otherwise ?
Thanks.... and Happy Thanksgiving !

Paul M. Witthoeft, J.D., M.P.A.
Assistant Regional Counsel (6RC-D)

Carol Cowgill

**Carol Cowgill**
11/12/2002 03:38 PM

To: Paul Witthoeft/R6/USEPA/US@EPA
cc:
Subject: Paul's Reply : TAG Liability {Non-Profit Corp.} {Not an allowable cost}

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Carol 202/564-4701

A-122insurance.w

---------- Forwarded by Carol Cowgill/DC/USEPA/US on 11/12/02 04:19 PM -----

**Leslie Darman**
11/12/02 03:31 PM

To: Carol Cowgill/DC/USEPA/US@EPA
cc:
Subject: Paul's Reply : TAG Liability {Non-Profit Corp.} {Not an allowable cost}

FYI -- I'm not sure what I would say if I were to respond to Paul's email
(I have not done so and I don't plan to), but I'm not sure insurance costs
are unallowable as a matter of law.

---------- Forwarded by Leslie Darman/DC/USEPA/US on 11/12/02 03:28 PM ----------

**Paul Witthoeft**

To: David Douglas <douglas@nm.net>

CONFIDENTIAL

10/07/02 12:32 PM

cc: Beverly Negri/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA, (bcc: Leslie Darman/DC/USEPA/US)
Subject: Paul's Reply : TAG Liability {Non-Profit Corp.} {Not an allowable cost}

Mr. Douglas -

I am providing a second response to your inquiry of 10/04/2002, as requested by my colleague Beverly Negri. I am the "grants lawyer" with decade+ experience in grant programs . . . including TAG . . . and my thought is [bottom line] the risk is minimal, and if you-all want to get private Insurance . . . I do NOT think it is a TAG-grant allowable cost.

(Note that this is a prompt and informal Monday--morning response, and not a lengthy legal opinion with citations and gobbledegook . . . just chatting with you about subject of your inquiry : Liability of TAG grantee and its officers and employees . . . )

[some further detail, on these Thoughts here]

* Note that each TAG grantee is required to be incorporated as a Non-Profit Corporation [see TAG reg.], and that EPA is not allowed to take an application and make any payment to any unincorporated group, however wonderful. While the underlying 'reasoning' may not be well articulated in the lengthy preambles to those Regs., . . . that was [as I recall] partly to save the homes and assets of well-meaning individuals and community folks who receive $50,000 in federal funds, but are later found in some Audit to have not handled all aspects under the fine-print rules [ i.e., save them from us, and our sometimes voracious Auditor(s) ], but surely . . . most of the underlying reasoning included, save such folks from personal exposure to liability, for the good things they are doing with the TAG ? . . . as usual with business, often the whole point of 'incorporating' is to not keep personal liability ?

* The work of any TAG grantee is primarly to secure, and to disseminate, Technical Assistance . . . i.e., Information . . . and the 'liability' risk for engaging a scientist to examine site information, and help disseminate it to your larger community near the site . . . should be very minimal, but is admittedly more than zero. There may possibly be interests who don't want the information shared ? . . . or who oppose Other non-TAG initiatives, if any ? However, Beverly Negri has never heard of such a thing in seven years, and I have not either, in decade+ of grants work.

* Your local counsel would be the one to advise you on what liability a person has, under New Mexico state law, for actions done in official capacity WITHIN your N.M.- nonprofit - corporation, but . . . we have to assume that such risk is really minimal, and that, for things done by the 'corporation,' only it [= the corporation] [ which as you know has little worth suing over ] would be at risk ?

* I can tell you clearly that There Is No Federal 'Protection' from lawsuit risks, for any grantee, TAG or otherwise. However sympathetic and helpful at many times, EPA is generally not allowed to 'come to the rescue' [lawyer buzzword is 'intervene'] if some fool brings a civil suit against the TAG grantee or its officers / employees . . . that simply is not EPA's mission, and is not what the TAG "assistance" [grant] was intended for, by Congress.

* If you or officer(s) or employee(s) do feel any risk of liability, I can only recommend that such person(s) secure private insurance, whether 'liability' or 'umbrella' or otherwise. I do not think that the TAG grant could or would or should pay for that expense . . . partly that such fringes are not 'necessary and reasonable' expenses of a modest $50k grant, mostly operated by volunteers, and mostly that such liability is speculative or unlikely or less.

CONFIDENTIAL

I am also going to be out of the office [off to a Washington meeting] tuesday thru thursday, and back friday [October 11th]. If I can provide other support and encouragement . . . or if you do want a fully researched and formalized answer, which would be less prompt and informal . . . don't hesitate to contact me.

**Paul M. Witthoeft, J.D., M.P.A.**
**Assistant Regional Counsel (6RC-D)**

Beverly Negri
10/07/2002 07:09 AM
Mr. Douglas,

I am sending your e-mail on to Paul Witthoeft, my Region 6 TAG Counsel. During my seven years as the TAG Project Officer, I have not been asked this question, so I need to ask Mr. Witthoeft to help answer it. I will be out of the office on travel until October 11. Hopefully Paul can help us with an answer by my return.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157
negri.beverly@epa.gov

David Douglas <douglas@nm.net>

**David Douglas**
**<douglas@nm.net>**
10/04/2002 02:22 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: TAG Liability

Hi Beverly --

As a board member of the Rio Colorado Reclamation Committee TAG in Questa, NM, I am concerned about the legal minefield for our TAG.

Can you tell me to what extent the law protects, if at all, the TAG, its board members, TAG employees (Grant Administrator and Technical Assistants), etc. from any legal action being brought against it? Would it be advisable for us to get some sort of insurance to protect us?

While we hope that that scenario never plays out, I would like to know where we stand, legally speaking.

Also, if you have any other observations or recommendations I would appreciate your passing them on.

Thanks. I appreciate your help.

David Douglas

<><><><><><><><><><><>

David Douglas
4601 Montano NW, #116
Albuquerque, NM 87120
douglas@nm.net
505.899.0774
<><><><><><><><><><><>

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# Program Review Protocol, Technical Assistance Grants

| Preliminary Areas for Review | | | |
|---|---|---|---|
| *Purpose of Post Award Monitoring* | On-Site Visit Evaluation | *Date* | 11-13-02 |
| *Cooperative Agreement Number* | 1-98671001-0 | *Award Date* | 8-29-02 |
| *Project Title/Name* | Molycorp | | |
| *Name of Recipient Project Manager* | Roberto Vigil, President & Rachel Conn, Program Director | | |
| *Location of Recipient's Offices* | Questa, NM | | |
| *Names and Titles of EPA Staff Reviewers* | Beverly Negri<br>Zana Halliday | TAG Project Officer<br>TAG Assistant | |
| | | Project Manager | |
| *Names, Titles, Phone Numbers of Recipient Representatives Interviewed* | David Douglas - Board Member, Roberto Vigil - RCRA President, Hope Buchler - RCRA Secretary, Rachael Conn - RCRA TAG Administrator, Marsha Reddell - RCRA Board member, | Beverly Negri - TAG PO, Brooke Ivener - CIC, Zana Halliday - TAG Assistant, Mark Purcell - Site RPM, Don Williams - Technical Support Team Leader | |
| | | | |
| *Total Budget for the Recipient's Project* | $62,500 | *Total Federal Funds* | $50,000 |

| Core Areas for Review | Comments |
|---|---|
| *Equipment Purchased?*<br>*If yes, is it being used for the project?* | no equipment has been purchased with TAG funds; RCRA did secure PCs from a state agency that provides PCs to non-profit groups and EPA will pay for modems for use with the PCs. |
| *Are the staff whose salaries are included in cost reimbursement request justification working on project?* | Recipient has expended funds only on payment for contractor for assessment work but no reimbursement has been requested yet. |
| *Work Plan*<br>*Project on schedule?*<br>*Will extension be needed?*<br>*Does scope/work plan need to be updated?*<br>*Barriers to work plan accomplishment?* | Project is on schedule. Requests for TA proposals has been sent out. PCs are being installed. TAG group participated in EPA community meeting on 11-12 and told audience about their planned activities and invited others to join. EFS forms were sent to their bank for processing and group expects to send first RFR next week to EPA. |
| *Fund Expenditure*<br>*Does level of fund expenditure reflect amount of work accomplished to date?*<br>*Will some funds remain unexpended?*<br>*Receipts?*<br>*Adequate budget records?* | Level of expenditures is on track. Group showed EPA receipts for costs already made and they appeared to be accurate. Budget records were well documented and all needed forms were a part of the TAG's records.<br><br>It is too early to tell if all funds will be expended. |
| *Work adhering to Terms and Conditions?*<br>*QMP up to date?*<br>*QAPPs submitted/approved, if applicable?*<br>*All Quarterly Reports submitted?*<br>*All MBE/WBE reports submitted?*<br>*All FSRs submitted?*<br>*Other Terms and Conditions?* | No QMP or QAPPs required for grant. |
| *Organization adhering to regulatory requirements?*<br>*Competitive process used to procure professional services?*<br>*Other?* | |

**Follow-up Actions** Group needs to provide EPA with EFT form so that RFRs can be processed. Final selection of TA needs to be made.

# Evaluative On-Site Visit Report, Technical Assistance Grants

*Report Author.* Beverly Negri (6SF-PO)

*Overview of On-Site Visit.* (Who? What? Where? When?)

EPA Region 6 Technical Assistance Grant (TAG) staff (Beverly Negri and Zana Halliday) participated in the site TAG compliance review.

Approximately six attendees form the TAG recipient group participated in the review.

Representatives from the Grantee association were present. Before the Board Meeting, staff of the TAG Team met with the TAG Administrator and several Board members to discuss the administrative management process of the TAG.

*Work Plan/Scope of Work.*

What are they doing? - Group has sent out proposals for the TA and were reviewing proposals the same week we meet with them. The secured donation PCs for the Board and are in the process of installing modems and other related software. They are also looking for a TAG administrator.

What are they planning to do? - The group participated in the community meeting and invited other community members to join. They expect to hire the TA and the TAG Administrator in November or December.

What have they committed to doing? - The RCRA group advertized for a TA and expect to have the TA on board and reviewing site related documents in early 2003. They are developing a TAg web page and expect to have it up and running in early 2003 also.

Level of fund expenditure (5% of grant) is low compared to amount of work accomplished.

A QMP is not required for TAGs.

Quarterly Reports Status: First Quarterly Report due 11-15-02

MBE/WBE form submital:. NA

*Results of On-Site Visit.*

Findings - RCRA is very dedicated to providing their community accurate information about the site. Because they are located in a very low-income area that also has limited newspapers available, they hope the web page in addition to site updates will get the word out about their work.

Commendations - This group very very sencere and are expected to do very well.

Recommendations made for changes? Follow-up actions? - None, except to contine to track and provide support as needed.

TAG TRAINING 11/13/02

| NAme | ORGANZATION |
|---|---|
| Beverly Negi | U.S. EPA |
| David Douglas | RCRC |
| Roberto Vigil | RCRC |
| Hope Buechler | RCRC |
| Zana Halliday | EPA |
| Rachel Conn | RCRC ~~send six~~ |
| Marsha Reddell | RCRC P.O. Box 986 Questa, NM 87556 E-mail - Redhaw@TaosNm.com |
| Beverly Negi | U.S. EPA |

send copy of TAG conference info

## Technical Assistant Grants (TAG) Training

**Six-part File Folder Contents:**
Folders are given to Grantee when initial TAG training is performed by U.S. Environmental Protection Agency (EPA) TAG staff.

**Section 1 -Total In-kind for Month**
Individual in-kind entry is recorded each month for each member or volunteer. The entries include in-kind time contributions, services received, cash contributions or other services. Sheet can be used for more than one month. At end of each month information is totaled and transferred to complete the Monthly Recording Summary, Section II.

**Section 2 -Total Matching Share for Month: Summary of Matching In-kind Contributions**
Total in-kind match for the month - services, hours or dollars from each individual match are transferred to the monthly log. If few entries, more than one month can be included on the same page.

**Section 3 - Electronic Funds Transfer (EFT) - U.S. EPA Payment Request Form EPA 190-F-04-001**
Used to submit reimbursement requests to EPA. The completed form and a copy of the backup documents supporting each request must be sent to EPA, Region 6 (R6), TAG Project Officer, for review and approval. When R6 approves payment, it will be forwarded to the Las Vegas Finance Center (LVFC) for payment. Funds should be expended in a timely manner so that reimbursement requests are submitted frequently.

**Section 4 - Quarterly Progress Reports (Due at end of each quarter - within 45 days)**
Prepared by the Technical Advisor and submitted to the grantee/Group. TAG grantee forwards the report to R6 TAG Project Officer for distribution and placement in TAG File.

| | | |
|---|---|---|
| Due dates are: | 1/01/04-3/31/04 | (due 5/15/04) |
| | 4/01/04-6/30/04 | (due 8/15/04) |
| | 7/01/04-9/30/04 | (due 11/15/04 |

NOTE: Any deliverables included with each quarterly report must have the deliverable number (programmatic condition) written on the document.

**Section 5 - Minority Business Enterprise/Women Business Enterprise (MBE/WBE) Reports** EPA Form 5700-52A (Due annually - on October 30th of each year)
Includes Subpart E - Record keeping and Reporting for MBE/WBE reports
(Guideline refers to Disadvantaged Business Enterprise (DBE) but change of name is proposed, therefore continue to use above MBE/WBE Form until further notice.)

TAG Training 11/13/02
6-part folder delivered

**Section 6 - Financial Status Reports, Standard Form 269A**

Financial Status Report is submitted to R6 annually, within 90 days of grant anniversary date. Final Financial Status Report is forwarded to LVFC, and a copy to R6, TAG Project Officer, within 90 days of end of TAG project/budget period.

**Brown Folder Insert contents**:

**Left side:**

Automated Clearing House (ACH) enrollment form for Electronic Funds Transfer to be completed when grant is awarded. Original, signed in blue ink, must be sent to the Las Vegas Finance Office (LVFC), and copy sent to R6 TAG Project Officer.

**Right side:**

1. Federal Register, CFR, Subpart C, Good Faith Efforts, 33.301 (concerns MBE/WBE)
2. 40 CFR. Ch. 1, Part 31.36 Procurement requirements
3. GPI-03-02, dated July 31, 2993, Consultant Fees under EPA Assistance Agreements.
4. U.S. EPA Records Schedule, National Records Management Program, NI-412-94-3/1, instructions for retention of Superfund Records.
5. EPA Form 5700-53 Lobbying and Litigation Certification for Grants and Cooperative Agreements. Required by the EPA Grants Specialist within 90 days of project completion.
6. SF-272A (Rev. 7-97) Federal Cash Transactions Report. Required by LVFC.

**Paul Witthoeft**
11/27/2002 03:30 PM

To: Carol Cowgill/DC/USEPA/US@EPA
cc: Leslie Darman/DC/USEPA/US@EPA, Beverly Negri/R6/USEPA/US@EPA, (bcc: Zana Halliday/R6/USEPA/US)
Subject: Reply to Comment on Paul's-Earlier-Reply : TAG Liability {Non-Profit Corp.} {Not an allowable cost}

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Carol Cowgill

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Environmental Protection Agency
1445 Ross Avenue
Dallas, Tx 75202-2733
Attn: Zana Halliday (6SF-PO)

34

TAG - molycorp

**SENDER:**
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Rachel Conn, Program Mgr.
RCRC
P.O. Box 637
Questa, NM 87556

4a. Article Number
7001 0360 0003 6671 7823

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☑ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
12-12-02

5. Received By: *(Print Name)*
BROOKE TATUM

6. Signature: *(Addressee or Agent)*
X

8. Addressee's Address *(Only if requested and fee is paid)*

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form **3811**, December 1994 Domestic Return Receipt

U.S. Postal Service
**CERTIFIED MAIL RECEIPT**
*(Domestic Mail Only; No Insurance Coverage Provided)*

7001 0360 0003 6671 7823

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| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | $ |

Postmark Here

Sent To: Rachel Conn
Street, Apt. No.; or PO Box No.: RCRC P.O. Box 637
City, State, ZIP+4: Questa NM 87556

PS Form 3800, January 2001 See Reverse for instructions

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Environmental Protection Agency
1445 Ross Avenue
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54

TAG - MolyCorp.

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2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Mr. Roberto Vigil, President
RCRC
P.O. Box 333
Questa, NM 87556

4a. Article Number
7001 0360 0003 6671 7816

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☑ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
12-4-02

5. Received By: (Print Name)
R Vigil

6. Signature: (Addressee or Agent)
X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

U.S. Postal Service
**CERTIFIED MAIL RECEIPT**
*(Domestic Mail Only; No Insurance Coverage Provided)*

OFFICIAL USE

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | $ |

Postmark Here

Sent To Roberto Vigil, Pres.
Street, Apt. No.; or PO Box No. RCRC
City, State, ZIP+4 P.O. Box 333, Questa NM

7001 0360 0003 6671 7816

PS Form 3800, January 2001 See Reverse for Instructions

November ~~26~~ 27, 2002

Ms. Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Re: Molycorp, Inc. Superfund Site
Technical Assistance Grant (TAG)
No. 1-98687101-0
Request for Reimbursement #1

Dear Ms. Conn:

The U.S. Environmental Protection Agency received the Rio Colorado Reclamation Committee (RCRC) Request for Reimbursement (RFR) number 1, for an advance of $5,000. You also included invoices and advertising expenses totalling $287. This amount has been deducted from your $5,000 advance leaving a balance of $4,713. We will continue to keep a running total of all invoices you submit until the $5,000 has been expended. We approved your RFR for payment today and forwarded it to Grants Section for processing. Your Electronic Funds Transfer form was received in Grants. Your RFR will be processed promptly, but due to the Thanksgiving holiday, this RFR may take a couple days longer to process.

We appreciated the time you set aside for the training session and board meeting, and we hope we were of help to you. Feel free to call me anytime that you have TAG questions at 214-665-8157 or Zana Halliday at 1-800-533-3508.

Sincerely,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Roberto Vigil, President
Rio Colorado Reclamation Committee
P.O. Box 333
Questa, NM 87556

bcc: Purcell (6SF-LP) Elec. 11/24/02
TAG File (6SF-PO)

L:\RCRCPymt#1.wpd

Add as a contact name

TAG Member BOD

Marsha Reddell
P.O. 986 Questa NM 87556

505-586-1204

Redhow@TaosNM.Com
redhow

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556
Rcrctag@yaoo.com www.rcrc.nm.org

RECEIVED
EPA REGION VI
02 NOV 25 PM 2:52
PROGRAMS MGMT BRANCH

Beverly Negri
Zana Halliday
6 SF-/PO
USEPA Region 6
1445 Ross Avenue – Suite 1200
Dallas, TX 75202-2733

November 15th, 2002

Dear Beverly and Zana,

It was so nice to meet both of you last week. Thank you for all of your help. The training session was a blessing. I keep on thinking how much easier my life would have been if I had received a similar training when I was working on the EPA Environmental Justice grant in Colorado!

I have enclosed our first request for reimbursement. I have also enclosed some of the receipts we have accumulated so far. I do not have all the receipts from all the board members as of yet. These receipts total $282.56. I plan on sending you the receipts as I receive them from the board members. Please let me know if you would like to receive them in a different format. I have also included the in-kind hours for the month of September. I still need to receive in-kind contribution reports from a couple of board members for the months of October and November. When I receive their reports I will send the month in-kind totals on to you.

I have drafted the quarterly progress report and I have sent it on to the board for comments. Hopefully I will be able to send that on to you by the beginning of next week.

Hope, the Secretary/Treasurer of the RCRC Board opened a bank account on 11/15/02- although she was told the account would not be active until 11/18/02. She sent the EFT form to the woman listed on the form- Helen Swain at 1445 Ross Ave., Suite 1200, 6MD-RG. I am enclosing a copy of the form in case that was the incorrect place to which to send it.

Thank you for all of your help.

Sincerely,

Rachel Conn

Rachel Conn
Program Director
Rio Colorado Reclamation Committee

Deed 11/18/02 HB

# EFT MISCELLANEOUS PAYMENT ENROLLMENT FORM

RECEIVED
EPA REGION VI
02 NOV 26 AM 9:08
PROGRAMS MGMT BRANCH

This form is used for Electronic Fund Transfer (EFT) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion.

## PRIVACY ACT STATEMENT

The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data, by electronic means to vendor's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

## AGENCY INFORMATION

FEDERAL PROGRAM AGENCY: U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6

AGENCY IDENTIFIER: AP 06

AGENCY LOCATION CODE (ALC): 68128906

EFT FORMAT: ☒ CCD+ ☐ CTX ☐ CTP

ADDRESS: 1445 ROSS AVENUE, SUITE 1200, 6MD-RG

CITY, STATE, & ZIP CODE: DALLAS, TX 75202

CONTACT PERSON NAME: HELEN SWAIN

TELEPHONE NUMBER: 214-665-7379

ADDITIONAL INFORMATION: PEGGY MCGHEE TELEPHONE: 214-665-7469

FAX: 214-665-7284

## PAYEE/COMPANY INFORMATION

NAME: The Rio Colorado Reclamation Committee [redacted].

SSN NO./TIN /EIN NO. 02-0621117

ADDRESS: P.O. Box 637

CITY, STATE, & ZIP CODE: Questa, NM 87556

CONTACT PERSON NAME: Hope Buechler

TELEPHONE NUMBER: 505-776-1580

## FINANCIAL INSTITUTION INFORMATION

NAME: Peoples Bank

ADDRESS: 219 Paseo del Pueblo Norte

CITY, STATE, & ZIP CODE: Taos. N.M. 87571

ACH COORDINATOR NAME: Cinna Espinoza

TELEPHONE NUMBER: 505 758-4211

NINE-DIGIT ROUTING TRANSIT NUMBER: 1 0 7 0 0 4 4 9 1

DEPOSITOR ACCOUNT TITLE: Rio Colorado Reclamation Committee

DEPOSITOR ACCOUNT NUMBER: 20209805

LOCKBOX NUMBER:

TYPE OF ACCOUNT: ☒ CHECKING ☐ SAVINGS ☐ LOCKBOX

SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL: (Could be the same as ACH Coordinator) Cinna Espinoza - Personal Bkr.

TELEPHONE NUMBER: 505-758-4211

added to mailing list

# Sign-In Sheet

Molycorp Inc. Superfund Site
Community Meeting -- Community Involvement Plan & Site Status Update
November 12, 2002
6:00 PM -- 9:00 PM

| | Name *Nombre* | Mailing List *Desea recibir información* | Address *Dirección* | City *Ciudad* | State *Estado* | Zip *Código Postal* | Phone No. *Teléfono* | E-mail *Correo electrónico* | Organization *Organización* |
|---|---|---|---|---|---|---|---|---|---|
| 1 | CHARLIE GONZALES | | BOX - 240 QUESTA | | NM | 87556 | | | |
| 2 | Carlos R Cisneros | | P.O. box 1149 Questa, NM | | NM | 87556 | 505 586-7608 | | State Senate |
| 3 | Eugene Duran | | P.O. Box 307 Questa N.M | | | 87556 | | | |
| 4 | CARLOS HERRERA | | P.O.B. 204 QUESTA N.M. | | | 87556 | | | |
| 5 | Ed Galindo | | PO Box 621 | | | 87556 | | | |
| 6 | Jeff Walker | | 121 Tijeras Ave Ste 100 | Albuq | NM | 87102 | 243-3200 | | CDM |
| 7 | Holly Howard | | | | | | | | |
| 8 | Manny Gonzales | | | | | | | | |
| 9 | JOEL GRAVIZZO | | | | | | | | |
| 10 | David Dassm | | P.O. Box 1154 | Questa | NM | 87556 | 586 1214 | | |
| 11 | Kimberly Garcia | | PO Box 164 | Questa | N.M | 87556 | MSG 586 9146 | | |
| 12 | Juhan ~~Bonny~~ Wathawa ~~Bonny~~ | ✓ | PO Box 66 | Questa | NM | 87556 | 586 1854 | | |
| 13 | Johnny Gonzales | ✓ | P.O Box 673 | QUESTA | NM | 87556 | 586-0124 | | |
| 14 | Bruce Walker | ✓ | PO Box 1169 | Questa | NM | 87556 | 586-7628 | | |
| 15 | | | | | | | | | |

**Sign-In Sheet**
Molycorp Inc. Superfund Site
Community Meeting -- Community Involvement Plan & Site Status Update
November 12, 2002
6:00 PM -- 9:00 PM

| | Name *Nombre* | Mailing List *Desea recibir información* | Address *Dirección* | City *Ciudad* | State *Estado* | Zip *Código Postal* | Phone No. *Teléfono* | E-mail *Correo electrónico* | Organization *Organización* |
|---|---|---|---|---|---|---|---|---|---|
| 16 | Brent Sawmill | | PO Box 36 | Questa | NM | 87556 | 505-586-0681 | bdsawmill@hotmail.com | Village of Questa |
| 17 | Carol Bicher | ✓ | 2155 Louisiana NE Suite 9000, ~~Alb NM~~ | Alb | NM | 87110 | 5052658468 | cbicher@gfnet.com | Village of Questa |
| 18 | David Douglas | ✓ | 4601 Montano NW #116 Albuquerque, NM 87120 | Alb. | NM | 87120 | 505-899-0774 | douglas@nm.net | Rio Colorado Recla[illegible] |
| 19 | Richard Blemmer | | 125 Cannon Lane Grand Jct. CO 81503 | Grand Jct | CO | 81503 | 970 243 3407 | | Hnood |
| 20 | Steve Blodgett | ✓ | P.O. Box 257 Socorro NM 87801 | Socorro | NM | 87801 | 505-838-3899 | fez@sdc.org | LLANO IRRIGATION |
| 21 | [illegible] | | P.O. Box 165 Questa | Questa | NM | 87556 | 505 5860010 | | |
| 22 | Robert Ortega Jr | ✓ | P.O. Box 195 Questa NM 87556 | Questa | NM | 87556 | 586-2077 | | Village of Questa |
| 23 | Holland Shepherd | | | | | | 505/476-3437 | | HM MMD |
| 24 | Pete Domenici Jr | ✓ | 6100 Seagull St NE Alb NM 87109 | | | | 505/8836050 | PDomenici@DOLAN-Domenici.com | self |
| 25 | Bill King | ✓ | PO Box 208 Taos NM | Taos | NM | 87571 | 758-8808 | WM KING@NNENV.STATE.NM.US. | NHRD |
| 26 | Luis Cordova | ✓ | Questa, NM | | NM | 87556 | 586-0017 | | |
| 27 | Rachel Conn | ✓ | P.O. Box 824 San Luis Co. | San Luis | CO | 81152 | 719-672-0401 | | RCRC |
| 28 | Mary Sanchez | ✓ | P.O. Box 283 | Questa | NM | 87556 | 586-1646 | | Village of Questa |
| 29 | Larry Kinzer | ✓ | Box 379 Questa | Questa | NM | 87556 | 586-1306 | | |
| 30 | | | | | | | | | |

**Sign-In Sheet**
Molycorp Inc. Superfund Site
Community Meeting -- Community Involvement Plan & Site Status Update
November 12, 2002
6:00 PM -- 9:00 PM

| | Name *Nombre* | Mailing List *Desea recibir información* | Address *Dirección* | City *Ciudad* | State *Estado* | Zip *Código Postal* | Phone No. *Teléfono* | E-mail *Correo electrónico* | Organization *Organización* |
|---|---|---|---|---|---|---|---|---|---|
| 31 | [illegible] | | P.O. Box 555 | [illegible] | | | | | |
| 32 | Rudolfo Vigil | | Questa | | | | | | |
| 33 | Bill Sharrer | | Molycorp | | | | | | |
| 34 | Esther Garcia | | Questa | | | | | | |
| 35 | [illegible] | | P.O. Box 855 | Questa | NM | 87556 | | | |
| 36 | Bill Eaton | | URS 8181 East Tufts | Denver | Colorado | 80237 | | | |
| 37 | Tim Cox | | URS 8181 E. Tufts | Denver | CO | 80237 | | | |
| 38 | RON THIBEDEAU | | QUESTA R.D | | | | | | |
| 39 | LYNN GALUSKY | PO Box 424 | Gallegos Rd | Questa | NM | 87556 | | | |
| 40 | Armando Martinez | P.O. Box 111 | | San Cristobal | NM | 87564 | | | |
| 41 | Marcus Lucero Jr. | | | | | | | | |
| 42 | Marsha Reddell | | | | | | | | |
| 43 | Leslie Martinez | P.O. Box 933 | Questa NM | Questa | NM | 87556 | | | |
| 44 | Patrick Nicholson | yes | 6459 NDCBU | Taos | NM | 87571 | 751-5243 | | |
| 45 | Dianna Schlies | Yes | P.O. BOX 14 | Questa | NM | 87556 | — | | |

**Sign-In Sheet**
Molycorp Inc. Superfund Site
Community Meeting -- Community Involvement Plan & Site Status Update
November 12, 2002
6:00 PM -- 9:00 PM

| | Name *Nombre* | Mailing List *Desea recibir información* | Address *Dirección* | City *Ciudad* | State *Estado* | Zip *Código Postal* | Phone No. *Teléfono* | E-mail *Correo electrónico* | Organization *Organización* |
|---|---|---|---|---|---|---|---|---|---|
| 46 | Mike Reed | | | | | | 505-827-2740 | | NMED |
| 47 | Pete Pendrak | | | | | | 720-201-6675 | | URS |
| 48 | Brooke Tatum | yes | PO Box 1149 | Questa | NM | 87556 | 776-3905 | btatum@zplaza.org | [illegible] |
| 49 | Anne Wagner | | Molycorp | | | | | | |
| 50 | Al Pastenis | | P.O. Box 26110 | Santa Fe | NM | 87502 | 827-2575 | | NMED |
| 51 | Claudio Gonzales | | P.O. Box 183 | Questa | NM | 87556 | 263-9047 | | |
| 52 | Stacey Coker | | | | | | | | URS |
| 53 | Hope Buechler | yes | PO Box 665 | Arroyo Seco | NM | 87574 | 776-1580 | | Amigos Bra |
| 54 | | | | | | | | | |
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**Sign-In Sheet**
Molycorp Inc. Superfund Site
Community Meeting -- Community Involvement Plan & Site Status Update
November 12, 2002
6:00 PM -- 9:00 PM

| | Name *Nombre* | Mailing List *Desea recibir información* | Address *Dirección* | City *Ciudad* | State *Estado* | Zip *Código Postal* | Phone No. *Teléfono* | E-mail *Correo electrónico* | Organization *Organización* |
|---|---|---|---|---|---|---|---|---|---|
| 61 | Tracy Delaney | N | | | | | | | |
| 62 | HARVEY SETO | ✓ | P.O. BOX 469 | QUESTA | NM | 87556 | 586-7632 | hseto@molycorp.com | Moly |
| 63 | Juhani Bonnie Wathawa | ✓ | P.O. BOX 666 | Questa | NM | 87556 | 586-1854 | WATHAWA@kitcarson.net. | |
| 64 | ALLEN VIGIL | ✓ | 4424 NDCBU | TAOS | NM | 87571 | 758-2667 | allen@firedup.net | |
| 65 | LEIGH SAUNDERS | ✓ | P.O. Box 251 | EMBUDO | NM | 87531 | 758-1111 (w) | | |
| 66 | Gilbert Garcia | ✓ | P.O. Box 363 | Questa | NM | 87556 | 5853437 | | |
| 67 | Robert L Ortega | ✓ | P.O. Box 497 | Questa | NM | | 586-7251 | Rortega@centurytel.net | Bank Loan |
| 68 | Frank Gallegos | ✓ | Box 451 | Questa | NM | 87556 | 586-01556 | | |
| 69 | Daniel Gonzales | | Box 652 | Questa | NM | 87556 | 586-1589 | | |
| 70 | | | | | | | | | |
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**Beverly Negri**

11/05/2002 08:00 AM

To: Amber Perry/R6/USEPA/US@EPA, Brooke Ivener/R6/USEPA/US@EPA, Donn Walters/R6/USEPA/US@EPA, Duke Ducote/R6/USEPA/US@EPA, Janetta Coats/R6/USEPA/US@EPA, Jennifer Lyke/R6/USEPA/US@EPA, Jo Gee/R6/USEPA/US@EPA, Patrick Young/R6/USEPA/US@EPA, Timothy Wilson/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA, Betty Williamson/R6/USEPA/US@EPA, Ronnie Crossland/R6/USEPA/US@EPA, Charles Gazda/R6/USEPA/US@EPA, Ragan Broyles/R6/USEPA/US@EPA, William Honker/R6/USEPA/US@EPA, Mark Peycke/R6/USEPA/US@EPA, Wren Stenger/R6/USEPA/US@EPA, Sing Chia/R6/USEPA/US@EPA, Donald Williams/R6/USEPA/US@EPA, Gustavo Chavarria/R6/USEPA/US@EPA, Carlene Chambers/R6/USEPA/US@EPA, Verne McFarland/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA

cc: Cheryl-m Scott/R6/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA, Javier Balli/R6/USEPA/US@EPA, June Buzzell/R6/USEPA/US@EPA, Lisaj Theirl/R6/USEPA/US@EPA, Maurice Rawls/R6/USEPA/US@EPA, Terrie Mikus/R6/USEPA/US@EPA, Kathleen Aisling/R6/USEPA/US@EPA, Gregory Lyssy/R6/USEPA/US@EPA, Kathleen Summers/R6/USEPA/US@EPA, Patricia Palmer/R6/USEPA/US@EPA, Valerie Lane/R6/USEPA/US@EPA

Subject: New Mexico Travel

**Where:**
Questa, New Mexico
**When:**
11-11/13 - 2002
**Purpose:**
Community interviews for Community Involvement Plan on 11/12, 11/13 and possibly 11/14
Molycorp public meeting on 11/12
Molycorp TAG training, Management Effectiveness Review and TAG Board meeting on 11/13
**Who:**
Brooke Ivener, CIC
Mark Purcell, RPM
Don Williams, Technical Support Team Leader
Beverly Negri, TAG Project Officer
Zana Halliday, TAG Assistant

3:00-5:00 TAG TRAINING
6:00-8:00 BD. MEETING

**Where:**
Albuquerque, New Mexico
**When:**
11-14-2002
**Purpose:**
Fruit Avenue TAG training, Management Effectiveness Review and TAG Board meeting on 11/14
**Who:**
Beverly Negri, TAG Project Officer
Zana Halliday, TAG Assistant

10:00 AM TAG TRAINING
1:00 (?) Bd meeting

**Where:**

Albuquerque, New Mexico
**When:**
11-15-2002
**Purpose:**
AT&SF TAG training and Management Effectiveness Review on 11/15 9:30 – 11:30
**Who:**
Beverly Negri, TAG Project Officer
Zana Halliday, TAG Assistant

Janetta Coats (7308) will be Acting CIC Team Leader from 11-12/14-2002.

**Beverly Negri**

11/06/2002 07:25 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Zana Halliday/R6/USEPA/US@EPA, Brooke Ivener/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Meetings next week

**Responses are below questions in bold blue letters.**

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**

11/05/2002 12:07 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Meetings next week

Dear Beverly,

I have been working on organizing the board meeting and the training. Here is what we have come up with:

Training: November 13th 3:00-5:00pm at La Cienega school in Questa

Board Meeting: November 13th 6:00-8:00pm at La Cienga school in Questa

This gives us an hour to eat- the El Seville restaurant in Questa has good New mexican food- and great sopapillas!

**Thank you for setting up the two meetings.**

It looks like we won't have a grant administrator hired by the 13th- in fact we will be reviewing the resumes for both the TA and the GA at the board meeting. Should I put you on the agenda for the board meeting? **I would appreciate having a minute or two on the agenda**
How much time do you need and is there a topic I should include on the agenda that you will be addressing? **I will make myself available for questions & answers about TAG activities.**
If you do want to be included on the agenda I will put you in the beginning so that you don't have to sit through the whole meeting if you don't want to. Who else will be coming to the meeting besides you and Zana? Will Brooke Ivener and Mark be coming to the board meeting as well? **I'm not sure if Brooke and Mark**

**will be at the meeting, but I have copied them on this e-mail and I hope they can make it.**

Brooke Tatum, David Douglas and Roberto Vigil (all board members of the RCRC) will all be speaking at the Community meeting on the 12th so we will probably meet you there first if you are also going to be attending that meeting. **Zana and I will be at the meeting on the 12th.**

Regarding the training. It looks like 5 of us on the board are interested in attending the training! I know that you usually only recommend 2-3 board members attending but I didn't want to discourage anyone from attending. **I have no problem training 5 folks. I will however bring only one example of the TAG administrative file folder with me.**

See you next week.

-Rachel

—

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Environmental Protection Agency
1445 Ross Avenue
Dallas, Tx 75202-2733
Attn: Zana Halliday (6SF-PO)

33 34

TAG - moly corp

**SENDER:**
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Rachel Conn
Program Director
RCRC
P.O. Box 637
Questa NM 87556

4a. Article Number
7001 0360 0003 6671 7656

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☑ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
11-8-02

5. Received By: *(Print Name)*
BROOKE TATUM

6. Signature: *(Addressee or Agent)*
X

8. Addressee's Address *(Only if requested and fee is paid)*

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form 3811, December 1994 Domestic Return Receipt

U.S. Postal Service
**CERTIFIED MAIL RECEIPT**
*(Domestic Mail Only; No Insurance Coverage Provided)*

OFFICIAL USE

7001 0360 0003 6671 7656

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | $ |

Sent 11/5

Postmark Here

Sent To: Rachel Conn, Program Director
Street, Apt. No.; or PO Box No.: RCRC Box 637
City, State, ZIP+4: Questa NM 87556

PS Form 3800, January 2001 See Reverse for Instructions

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Environmental Protection Agency
1445 Ross Avenue
Dallas, Tx 75202-2733
Attn: Zana Halliday (6SF-PO)

34

TAG - Molycorp

**SENDER:**
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Roberto Vigil, President
RCRC
P.O. Box 333
Questa, NM 87556

4a. Article Number
7001 0360 0003 6671 7861

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
11-12-02

5. Received By: *(Print Name)*
Roberto Vigil

6. Signature: *(Addressee or Agent)*
X [signature]

8. Addressee's Address *(Only if requested and fee is paid)*

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form 3811, December 1994 Domestic Return Receipt

U.S. Postal Service
**CERTIFIED MAIL RECEIPT**
*(Domestic Mail Only; No Insurance Coverage Provided)*

OFFICIAL USE

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | $ |

Sent 11/5 [illegible]

Postmark Here

7001 0360 0003 6671 7861

Sent To: Roberto Vigil, President
Street, Apt. No.; or PO Box No.: RCRC P.O. Box 333
City, State, ZIP+4: Questa NM 87556

PS Form 3800, January 2001 See Reverse for Instructions

November 5, 2002

Mr. Roberto Vigil, President
Rio Colorado Reclamation Committee
P.O. Box 333
Questa, NM 87556

Re: Molycorp, Inc.
Technical Assistance Grant (TAG)
No. 1-98687101-0
TAG Meeting

Dear Mr. Vigil:

We have tried several times to reach you by telephone to discuss issues concerning your TAG. We have been working with Ms. Rachel Conn to set up a training session on managing the Molycorp TAG. Working with Ms. Conn, we asked that a training session be scheduled with your TAG Administrator and that it needed to be scheduled separately from a board meeting with your group. Ms. Conn informed Zana Halliday, of my staff, that the entire board wants to sit in on the training session to be held at 6:00 pm on Wednesday evening, November 13. We have no problem with the schedule.

Yesterday, Ms. Conn informed us that EPA would only be able to reach her on Thursday and Friday of each week at her home telephone number. If the EPA needs to discuss a TAG concern with your group, we must be able to contact someone on a Monday through Friday. In addition, we need to have a street address, rather than just a P.O. Box, for mailing TAG related material to you. Please call us on 1-800-533-3508 to let us know if a street address is or is not available. If there is no street number address available, we will go forward with the understanding that in the future you have received any material the EPA sends to the post office box. Please understand that there may be mail delays in your receiving materials at a box address.

If you have any questions, call me at 214-665-8157 or the 1-800 number above.

Sincerely,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

Enclosure

cc: Rachel Conn
Program Director

**Beverly Negri**

11/05/2002 06:36 AM

To: <rachellconn@yahoo.com>
cc: Zana Halliday/R6/USEPA/US@EPA, Paul Witthoeft/R6/USEPA/US@EPA
Subject: Re: RCRC TAG Questions

Rachel,
Answers to your questions are placed directly below the related questions below in bold blue print.

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**

10/08/2002 11:20 AM

To: Beverly Negri/R6/USEPA/US@EPA
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Subject: RCRC TAG Questions

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**Under Section 35.4020(a)(3)(b)the TAG Rule states that the community group is not eligible for a TAG if the "group" is(1) A "potentially responsible party" (PRP), receives money or services from the PRP, or represents a PRP;. I would refine this statement to clarify that anyone who fits any of the descriptors under this section of the Rule may not be on the RCRC Board or a "voting" member, but this is a decision for your group to make. A RCRC member who 1)is employed by Molycorp; 2) is not on the Board or a "voting" member of the group; 3) is accepted by the Board/other RCRC members; and 4) is a valid member of the impacted community; could be a member of the RCRC group at large.**

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**Beverly Negri**
11/05/2002 06:31 AM

To: Paul Witthoeft/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Further Reply (((Re: CORRECTION:: {training is} 11/6/02 ·····11/7/02 ····)))

As you well know, I always take your advice and in my response to the TAG group I am using your language on this issue....will copy you

**Love, Bev**

**I just love these faces...**

CONFIDENTIAL

Paul Witthoeft

**Paul Witthoeft**
11/04/2002 05:16 PM

To: Beverly Negri/R6/USEPA/US@EPA
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However, what you pay me for is to think about, with Reg. in hand : would it be 'illegal' if they **did** allow 'em to serve on Board / vote ? . . . and I still say: .....as long as such persons, who may be employees or retirees, and certainly within the affected community, serve as *INDIVIDUALS*, . . . and NOT designated as 'representatives' of P.R.P.(s) or any other ineligibles . . . then it would not be contrary to your Reg. As with much of 'conflict of interest' analysis, the levels of analysis include [first] whether or not such an action would contravene the law and regulations, and then [secondarily] whether or not it just . . . even if not illegal . . . . would not look good ?

((....lawyer ethics class [resist that urge to smirk and say ....isn't lawyer / ethics a conflict of terms] always referred to that distinction as The Caesar's Wife Standard of Ethics . . . citing Julius Caesar in Shakespeare's play of that name, when he tells empress Julia . . . When you are the Wife of Caesar, it is not enough to BE pure, my dear, you must also LOOK pure ! ))

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Best on Monday, from . . . . . **Paul**

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11/04/2002 03:30 PM

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P.S. I want to know how you made your little face blink???

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**Paul Witthoeft**
10/31/2002 02:45 PM

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Subject: CORRECTION:: {training is} 11/6/02 -----11/7/02 -----

Beverly - - -

**CORRECTION** to last line of my **TAG** note, inviting you to call me on Nov. 4 or 7 ((thinking that training was 5 + 6))

Call me **Nov. 4 or 5,** next week, if needed ((... 'cause training is Nov. 6 and 7 ))[ . . . and Nov.8 will be CWS].

**Paul M. Witthoeft, J.D., M.P.A.**
**Assistant Regional Counsel (6RC-D)**

CONFIDENTIAL

---------- Attached by Paul Witthoeft/R6/USEPA/US on 10/31/2002 02:37 PM ----------

**Cindy Singletary**
10/31/2002 01:56 PM

Subject: CORRECTION:: Location for "Pre-Retirement Seminar" 11/6/02 - OKLAHMOMA CITY ROOM - 7TH FLOOR---11/7/02 - Arkansas Room (16 available slots)

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CONFIDENTIAL

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**Paul Witthoeft**
10/31/2002 12:09 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Reply : RCRC TAG Questions

CONFIDENTIAL

Beverly -

-- I have no disagreement with your straightforward responses ( below ) to their TAG administrator Rachel Conn, on Oct. 17th.... ((... I was packing and moving for the Carpet project about then, and do not recall seeing this message before today, two weeks later))

--- dealing with the issue of **'conflict of interest'** is not simple, but . . . I think you have it correctly. I would add The Test is not simply whether or not someone is or was ever employed there . . . but rather . . . are they still Getting Money from the PRP, whether salary or retirement or whatever ? . . . and if so, would that APPEAR to cloud their judgment when reviewing and reporting on the technical materials at hand ?

- - - therefore, a potential **TA** who was a manager, supervisor or a "decision-maker" at the facility would APPEAR to have potential personal liability / responsibility [and possibly continuing compensation] . . . and therefore reason(s) to cloud one's judgment, while a Former -- more modest [hourly?] -- Employee {if qualified} would not appear to have that apparent conflict of interest . . .

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If any further discussion, I am in [pre-retirement] training Nov. 5--6,
but see me Nov. 4 [Monday] or 7 ! ?

☺

Paul M. Witthoeft, J.D., M.P.A.
Assistant Regional Counsel (6RC-D)

CONFIDENTIAL

Beverly Negri

**Beverly Negri**
10/17/2002 08:24 AM

To: Paul Witthoeft/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA, Paul Witthoeft/R6/USEPA/US@EPA
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*Paul..could you review my answers and make sure I am keeping my nose clean with these*

answers? Thanks

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-Rachel

---

Do you Yahoo!?
Faith Hill - Exclusive Performances, Videos & More
http://faith.yahoo.com

**Brooke Ivener**
10/31/2002 11:53 AM

To: Donn Walters/R6/USEPA/US@EPA
cc: Beverly Negri/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: TA questions for Molycorp

I responded to Mr. Tapp's request with the attached letter and sent him the information indicated in the letter on October 31, 2002. You will find it in the Molycorp TAG file.

ltr_alantapp_TA.

Brooke Ivener
U.S. EPA Region 6, Superfund
1445 Ross Avenue
Dallas, TX 75202
214-665-6401 (ph)
214-665-6660 (fax)
ivener.brooke@epa.gov
Donn Walters

**Donn Walters**
10/31/02 09:40 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc: Beverly Negri/R6/USEPA/US@EPA, Brooke Ivener/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: TA questions for Molycorp

Per file, I spoke with mr Alan Tapp of Denver regarding the TAG and the role of the TA. I explained what TAs can/can not do at a Superfund site, and how they interact with the recipient, with EPA, etc. Sending packet of related information, and referred to web site, etc thanks.

October 31, 2002

Mr. Alan Tapp
8462 Oak Street
Arvada, CO 80005

Re: Molycorp Inc. Superfund Site
Technical Advisor Information

Dear Mr. Tapp,

Thank you for your inquiry into the role of a Technical Advisor (TA) to a Technical Assistance Grant (TAG). Per your conversation on Thursday, October 31, 2002 with Donn Walters and your request for information, I have included: Superfund Technical Assistance Grant Handbook: Procurement – Using TAG Funds, Technical Assistance Grants: Program Fact Sheet and Technical Assistance Grants: How to Find, Choose, and Hire a Technical Advisor. This information should assist you in determining the role and expectations of a TA.

For additional information about the TAG specific to Molycorp Inc., please do not hesitate to contact the TAG recipient directly at:

Rio Colorado Reclamation Committee
Attn: Rachel Conn
7256 Hwy. 518
Questa, NM 87556
505-758-3874
rachellconn@yahoo.com

You may also contact Beverly Negri, the EPA Region 6 TAG Project Officer, at 214-665-8157 or toll-free at 1-800-533-3508.

Sincerely,

Brooke Ivener (6SF-PO)
Community Involvement Coordinator

**Zana Halliday**

10/30/2002 08:19 AM

To: Paul Witthoeft/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US
cc:
Subject: Molycorp TAG

Paul,

Beverly called today from her training session in Wash. DC, and asked that I follow up on an e-mail she sent to you on October 17, 2002, wherein she asked you to review Beverly's answers to the grantee and verify that her answers were correct.

Beverly has to talk to the group next Monday, and we are meeting the group on Wed. Nov. 13 at Questa, NM. We will be in NM the whole week of Nov. 11-15, so we need your input on her memo ASAP. Sorry to rush you, but November was the only time available to meet with Molycorp, and two other New Mexico grantees that week. Beverly will be in the office here Nov. 4-8, 2002. Her ext. is 8157.

Thanks for your prompt reply.

Zana

**Zana Halliday**

10/29/2002 03:11 PM

To: Beverly Negri/R6/USEPA/US,
cc:
cc:
Subject: Molycorp TAG phone call

I called Rachel Conn to set up a time for the TAG training session and for the board meeting. She planned to have the board meeting at the same time as the training session "since they will all be working on the TAG at different times," so "all need to be familiar with it". I told Rachel that we wanted the TAG training session separate from the board meeting, "one on one" with only the person or persons actually managing the TAG to be in the training. I told her that she needed to have one person be mainly responsible for the day to day activities of the TAG, concerning completion of Quarterly Progress Report, the RFR's, keeping record of receipts and expenses, etc. She said "they wanted to have a TAG administrator in place by the time we came up there for the session and have advertised for one, in addition to the TA, and that the TAG administrator would be a board member. .Rachel said you told her a board member can be the TAG administrator, * that she and Karen could not be the administrator. I do not find any e-mail or telephone memo wherein you told her that, so apparently I am overlooking something. Question: Can a board member be the TAG Administrator?

She said they had been out postage, running ads, costs office expenses, etc., and was that reimbursable"? I told her "yes, as long as she had receipts to prove the expenses." I also suggested that she make copies of all receipts so that when she sends in the support documents with the RFR, she has a record for her file.

She said the president of the board and the treasurer of the board were working to get the Elec. Funds Transfer form (EFT) completed and sent in to EPA. I told her that was required anyway, that all reimbursements are now paid out electronically. I told her it was to her advantage anyway to have it in place as she would receive the reimbursement within 3-4 days, where otherwise it would be two to three weeks.

She then set up the time for the board meeting as 6:00 pm, at the La Cienega School. She said she guessed she needed to set up the training time earlier. I told her we would like at least two hours for the training session before the board meeting.

I told her I would relate all this to you, that you would be in Monday, Nov. 4, and we would call her at that time to discuss this further concerning the two meetings.

*10/30/02 6:45am. Per telecon with B. Negri, a TAG Administrator cannot be a "board member or a voting member". If Karen or Rachel are not these 2 catagories, they are eligible to compete for TAG Administrator. Zana

Moly Corp

**Beverly Negri**
10/17/2002 08:24 AM

To: Paul Witthoeft/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA, Paul Witthoeft/R6/USEPA/US@EPA
Subject: Re: RCRC TAG Questions

Paul..could you review my answers and make sure I am keeping my nose clean with these answers? Thanks

---

Rachel,
Answers to your questions are placed directly below the related questions below in blue print.

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**
10/08/2002 11:20 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: RCRC TAG Questions

Dear Beverly,

Could you send me or point me in the right direction to all language about conflict of interest for both hiring a TA and accepting new members into the TAG group. We would like to see the exact wording regarding conflict of interest from the TAG rules. One TA applicant worked for Molycorp and was layed off in January, 2002 thus making him ineligible to apply, we think, but we want to check to see if that is true and if it is we want to quote the exact wording.

In so far as an ex-employee being the TA, it does depend on the position the employee held with Molycorp. If the employee was a manager, supervisor or a "decision-maker", then I would not like to see them applying for the TA position. I recommend that you discourage the application. If they were a line employee and had no real decision making position with Molycorp and they meet the technical/scientific qualifications and have the expertise needed, then they might be eligible for the TA position.

We have placed an ad in the Taos News, Albuquerque Journal and High Country News advertising the Grant Administrator position and the Technical Advisor position. I still haven't received the sample solicitation for proposals that you had mentioned you were going to send. If you did send it, to what address did you send the information?

I mailed the materials you requested to your attention the week before last. I sent them to the 7256 Hwy 518 address in Questa. I had Zana refax the solicitation information to you again.

We are also wondering if employees from Molycorp can be members of the RCRC on an individual basis. It is one board member's understanding that the rule used to be that no one currently employed by Molycorp could be a member, with no distinction between management and under-management employees.

FACSIMILE TRANSMITTAL

U.S. EPA REGION 6
SUPERFUND DIVISION
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

| | |
|---|---|
| TO: Rachel Conn, Program Director | |
| MACHINE NUMBER: 505-758-7345 | VERIFICATION NUMBER: ( ) |
| FROM: Beverly Negri, TAG Project Officer | |
| PHONE: 214-665-8157 | MAIL CODE: |
| OFFICE: USEPA, SUPERFUND DIV., Comm. Relations | |
| DATE: 10/16/02 | PAGES, INCLUDING COVER SHEET: 7 |
| PLEASE NUMBER ALL PAGES | |
| INFORMATION FOR SENDING FACSIMILE MESSAGES | |
| OUR EQUIPMENT | FACSIMILE NUMBER |
| PANAFAX UF-766 | (214) 665-6660 |

Pages 24-31 from the blue TAG Handbook: "Procurement - Using TAG Funds" that we previously sent to you.

Beverly

Copies to:

United States
Environmental Protection
Agency

EPA 540-K-93-005
Publication 9230.1-09C
PB93-963354
April 1994

Office of Solid Waste and Emergency Response

EPA

# Superfund Technical Assistance Grant (TAG) Handbook:

## Procurement—Using TAG Funds

## SOLICITATION

The Woodtown Landfill Coalition is soliciting proposals for a technical advisor to provide assistance in the review and analysis of remedial activities undertaken by the U.S. Environmental Protection Agency (EPA) at the Woodtown Landfill Superfund site. Members of the Coalition include approximately 105 affected individuals in the Smithtown-Woodtown areas of Litchfield County, Connecticut. The technical advisor will assist Coalition members in interpreting documents generated throughout the Superfund process at the Woodtown Landfill site. The advisor also will help members review site data and data-gathering techniques. Technical assistance will ensure that Coalition members are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

End of contract if EPA terminates TAC

The scope of work will require one or more technical advisors to perform the following tasks during an initial three-year contractual period (with options for additional years), beginning just prior to the start of the Remedial Investigation (RI):

1. Review of technical documents generated during the remedial investigation/feasibility study (RI/FS), remedial design (RD), and remedial action (RA). These documents will include the RI work plan, sampling plan, quality assurance/quality control plan, RI report, risk assessment, health assessment, draft FS, record of decision, pre-final and final engineering design, and final inspection report.
2. Attendance at RI/FS meetings.
3. Preparation of summary memos and reports.
4. Review of the Coalition's written comments to be submitted during the public comment period on the draft FS.
5. Presentations to Coalition members and others.

The Coalition will use a phased approach in contracting for this work. Contract No. 1 involves work related to the RI/FS.

Those wishing to be considered should submit a proposal that includes a general description of the candidates' approach for conducting this work, a resume, and a detailed cost estimate. The technical advisor must have verifiable credentials and must provide the Coalition with a list of previous clients and information on any past, current, or anticipated business or financial relationships with any potentially responsible party at the site, its parent companies, subsidiaries, affiliates, subcontractors, and current clients. The successful candidate will have:



- Technical qualifications in the areas of health and risk assessment.
- Expertise to perform the scope of work, including expertise in the health sciences, toxicology, hydrogeology, and engineering, or explain how they will obtain this expertise.
- Experience with clients who do not possess extensive technical backgrounds.
- Adequate financial resources and accounting procedures in place to manage the tasks required and account for expenditures.
- Demonstrated knowledge of CERCLA and other relevant statutes.

up to TAG recipient

Each proposal received will be evaluated on the following criteria, which are weighted based on the Coalition's priorities:

- 20% Past relevant experience.
- 10% Knowledge of EPA procedures and reporting requirements.
- 20% Price.
- 25% Relevant expertise (*i.e.*, health sciences, engineering), both academic and demonstrated.
- 25% Ability to provide written and oral translations of technical documents and data in terms understandable to lay persons.

The Coalition will evaluate proposals by assigning a score (on a scale of 1 - 5) to each criterion. The weighted scores will be added for a total score. The highest possible total score is 500. The goal of the selection criteria is to obtain the best proposal at a reasonable cost.

The group has the option to renew the contract after the initial three-year period for additional one- to three-year contract periods as long as the cleanup continues. Contract renewal will be based on satisfaction with the technical advisor's previous performance and availability of funds. A total of approximately 635 hours of work is estimated for the technical advisor during the entire site cleanup; the distribution of these hours is dependent upon the pace at which site cleanup proceeds.

One labor-hour contract will be awarded to the best qualified applicant within a competitive price range. The Coalition will negotiate to obtain the best final offer. Candidates will be informed of the Coalition's decision to reject or accept a proposal. The deadline for submitting proposals to the Coalition is 5 p.m., July 10, 1993. Qualified firms or individuals are encouraged to respond to this solicitation. All submissions should be sent to:

Pat Jones, Executive Director
Woodtown Landfill Coalition
Main Street
Woodtown, CT 06798

## COMPETITIVE SELECTION METHOD, cont.

### STEP 4. Publicize Your Need for Technical Assistance

You will need to publicize your request for technical assistance and the availability of your solicitation. You must obtain as many proposals as you can. You can do this by publishing a notice in a local newspaper and calling potential candidates. You also should send the notice to small, minority-, and women-owned business contacts, and you must send it to small businesses in rural areas of your community. Remember to document these efforts.

### STEP 5. Send out Solicitation and Other Information

You must make the solicitation available to candidates upon request. You must provide candidates a copy of the form entitled "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" if the contract is valued at over $25,000, and obtain their completed form.

### STEP 6. Obtain Quotes for the Cost of Services Required

After locating several candidates, contact and discuss with each the kind of services you expect to need. Obtain from each a description of his/her expertise and experience and a quote for the total cost of services. Make sure to document the quote information, even if oral, in your files. The advisor must meet the requirements described on page 2.

The requirements for this step vary according to the value of the award:

- **More than $1,000 but not more than $25,000:** You need to obtain two quotes (written or oral) from qualified candidates.
- **More than $25,000 but not more than $50,000:** You must supply the candidates with a Statement of Work and the criteria that will be used in evaluating the bids. You must get three written quotes.
- **Over $50,000:** Refer to 40 CFR, Part 33.

### STEP 7. Evaluate the Proposals

You should develop your own estimates for costs associated with each of the services to be performed, and determine a total project budget.

You must evaluate all proposals using the criteria stated in your solicitation (see page 25). This includes determining if the applicants have the ability and resources to provide the required assistance. Applicants may display their estimated costs on the form entitled "Proposed Costs for Technical Assistance" (see page 30) or in any similar format.

If the contract is valued at over $25,000, you must conduct a cost analysis to determine that the proposed costs are reasonable. To do this, use your own cost estimates and the information submitted by the applicants to review the cost of each component of the proposed budgets.



## The Cost Analysis

The cost analysis has two general steps: first, determining whether a contractor's costs are allowable, allocable, and reasonable; and second, determining an appropriate amount of profit for the technical advisor. Each of these steps is discussed below. Feel free to ask your Regional TAG Coordinator for help in conducting your cost analysis.

### I. Assessing Costs

Review the direct labor costs and examine the number of hours, experience level, and hourly rates of staff assigned to perform the various tasks of your project to make sure that they are necessary and reasonable.

The indirect costs (overhead expenses such as fringe benefits and office rental) may be displayed as one or several figures. Usually, this figure is a rate or fraction that is multiplied by the direct labor costs for your project. Contact your Regional TAG Coordinator if you have questions about whether these costs are allowable.

In reviewing the travel and per diem (daily food and lodging) costs, remember that hotel and meal costs can only be charged when trips require an overnight stay. Furthermore, the meal and lodging expenses can only be charged at the rate the government pays its own employees, which the Regional TAG Coordinator can help you determine.

TAGs typically require little or no equipment, materials, or supplies. If any equipment costing over $5,000 is listed, contact your Regional TAG Coordinator.

If the technical advisor selects another contractor to assist him/her with your project, this cost should be indicated in a subcontract costs category. Note that any subcontractors working on subcontracts over $25,000 must provide the technical advisor with the "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49).

TAG can pay for Hazmat

### II. Determining Profit

In general, the more risk the technical advisor assumes in performing your project, the higher the rate of profit that is acceptable. (Under "fixed-price" contracts involving complex tasks, the technical advisor would assume considerably more risk than under the "cost reimbursement" type of contract usually used in the TAG Program.) In setting an amount, the profit must be shown as a dollar figure and not as a percentage of total costs.

Be sure to keep a written record of your cost analysis on file for your own reference and for audit purposes.

## COMPETITIVE SELECTION METHOD, cont.

### STEP 8. Negotiate with Applicants

Under competitive selection, the first step is to narrow down the pool of applicants under consideration to those with the best proposals. You may make a choice at this point, or you may negotiate the details of costs and services to be delivered to identify the best offer.

If you conduct negotiations with several applicants, you must provide an equal opportunity for all applicants with similar cost estimates to revise their proposals based on your negotiations. Earlier scores should not be used in evaluating the revised proposals. While negotiations are taking place, the identity of other applicants and information from their proposals must be kept confidential.

### STEP 9. Select Your Technical Advisor(s)

You may want to discuss the terms and conditions with the candidates to be sure that they meet your needs and TAG Program requirements. When you are satisfied, select the best qualified candidate based on the proposal that best meets your established criteria. Once you select the technical advisor(s), you must promptly notify in writing all unsuccessful candidates.

### STEP 10. Document Your Selection Criteria

Document in your files why you chose one candidate over another. If the successful candidate did not submit the lowest quote, explain why you selected him/her and why the proposed costs were reasonable.

### STEP 11. Prepare the Contract

Remember to include the required clauses contained in the sample contract and provide EPA the opportunity to review the selection process and the contract.

### STEP 12. Award the Contract

Notify both the successful and unsuccessful candidates of the award. Remember to carefully document the process you used to award the contract. Your documentation must explain the procedures you used to select a contractor, the reason for any conditions that limited maximum free and open competition, and reasons why you selected a particular contractor. It must also include written justification for rejecting any or all proposals. In addition, you must conduct a written analysis of the cost of the contract and include that analysis in your records.



## NONCOMPETITIVE PROCUREMENT METHOD

**(Where there is only one qualified candidate)**

This situation will be rare and most often will occur when you have attempted to use the competitive procurement method, with only one response. (In this case, Step 1 will have been completed.)

### STEP 1. Identify Your Specific Needs

Your group should develop a written description of the specific areas of expertise and skills that the successful candidate should have.

### STEP 2. Contact the Regional TAG Coordinator

Because this method of selecting a technical advisor is to be used only in unusual circumstances, you should not use it until you have discussed it with your Regional TAG Coordinator.

### STEP 3. Submit a Request to Use Noncompetitive Procurement

If EPA agrees that this method may be appropriate, prepare and submit to your EPA Regional Office a memorandum explaining why your group wishes to use the noncompetitive selection method. You will need to justify to EPA why the candidate you have identified is the only viable source of the services you need.

### STEP 4. Ask the Candidate for a Quote

After the EPA Award Official has approved in writing your request to use the noncompetitive selection method, contact and discuss with your candidate the particular services you need. Obtain a written quote for the total cost of services that the advisor will provide.

### STEP 5. Evaluate the Quote and Negotiate with the Candidate

You should negotiate with the candidate to obtain terms and conditions that meet your needs and TAG Program requirements. Make certain that the proposed costs are reasonable for the services being performed by the candidate by comparing the quote with your own or other professional estimates of what the services should cost.

### STEP 6. Document Why You Chose this Candidate

Document in your files why this was the only acceptable candidate.

### STEP 7. Award the Contract

Be sure to include the required clauses included in the sample contract (see page 34). Provide your EPA Regional Office with an opportunity to review your selection process and the contract before awarding the contract. If the award is for $25,000 or more, the candidate must complete the "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" before you sign a contract.

## PROPOSED COSTS FOR TECHNICAL ASSISTANCE

The "Proposed Costs for Technical Assistance" form is not a required form. Candidates responding to a solicitation may use any format in presenting their costs and charges. If you wish, you may copy the blank version of this form, provided in the "Blank Documents" section of this booklet, and include it with the solicitation and any other information that you send to prospective contractors.



### PROPOSED COSTS FOR TECHNICAL ASSISTANCE

**PART A: IDENTIFYING DATA**

| | |
|---|---|
| NAME OF CONTRACTOR: Professor Jan Carter | DATE OF PROPOSAL: 10/25/94 |
| ADDRESS OF CONTRACTOR: Walnut Street, Woodtown, CT 06798 | TELEPHONE NUMBER: 203 , ###-#### |
| | ASSISTANCE IDENTIFICATION NUMBER: |
| GRANT RECIPIENT: Woodtown Landfill Coalition | |

**PART B: COSTS** *(Proposed costs must conform with applicable Federal cost principles)*

| 1. DIRECT LABOR | ESTIMATED HOURS | HOURLY RATE | ESTIMATED COST | |
|---|---|---|---|---|
| Scientist | 130 | $76.00 | $9880.00 | |
| | | | DIRECT LABOR SUBTOTAL | $9880.00 |

| 2. INDIRECT COSTS | RATE | TOTAL DIRECT LABOR COST | ESTIMATED COST | |
|---|---|---|---|---|
| Overhead (benefits and office space) | .52 | $9880.00 | $5137.00 | |
| | | | INDIRECT COST SUBTOTAL | $5137.00 |

| 3. TRAVEL | ESTIMATED COST | |
|---|---|---|
| a) TRANSPORTATION 500 miles at $.25 per mile (To attend Coalition meetings and RI public hearings) | $125.00 | |
| b) PER DIEM (LODGING AND MEALS) $100 per diem (1 and 1/2 days travel) | $150.00 | |
| | TRAVEL SUBTOTAL | $275.00 |

| 4. EQUIPMENT, MATERIALS AND SUPPLIES | ESTIMATED COST | |
|---|---|---|
| Telephone | $200.00 | |
| Postage | 50.00 | |
| Copying ($.05 per copy) | 130.00 | |
| | EQUIPMENT, MATERIALS AND SUPPLIES SUBTOTAL | $380.00 |

| 5. SUBCONTRACTS AND OTHER COSTS | ESTIMATED COST | |
|---|---|---|
| | SUBCONTRACTS AND OTHER COSTS SUBTOTAL | $ |

**PART C: SUMMARY**

| | |
|---|---|
| TOTAL COST | $ 15,672.00 |
| PROFIT | $ .0 |
| TOTAL PRICE | $ 15,672.00 |

I certify that, to the best of my knowledge and belief, the cost information summarized herein is complete, current, and accurate as of 10/25/94 (date). I further certify that I have the financial management capability to fully and accurately account for the financial transactions required to execute this project. I understand that the subagreement price may be subject to downward renegotiation or recoupment if the above cost information is determined through an audit not to have been complete, current or accurate as of the date above.

| | |
|---|---|
| SIGNATURE OF CONTRACTOR: Jan Carter | DATE: 10/25/94 |

S02077-3

**Paul Witthoeft**
10/07/2002 11:32 AM

To: David Douglas <douglas@nm.net>
cc: Beverly Negri/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Paul's Reply : TAG Liability {Non-Profit Corp.} {Not an allowable cost}

Mr. Douglas -

I am providing a second response to your inquiry of 10/04/2002, as requested by my colleague Beverly Negri. I am the "grants lawyer" with decade+ experience in grant programs . . . including TAG . . . and my thought is [bottom line] the risk is minimal, and if you-all want to get private Insurance . . . I do NOT think it is a TAG-grant allowable cost.

(Note that this is a prompt and informal Monday--morning response, and not a lengthy legal opinion with citations and gobbledegook . . . just chatting with you about subject of your inquiry : Liability of TAG grantee and its officers and employees . . . )

CONFIDENTIAL

[some further detail, on these Thoughts here]

* Note that each TAG grantee is required to be incorporated as a Non-Profit Corporation [see TAG reg.], and that EPA is not allowed to take an application and make any payment to any unincorporated group, however wonderful. While the underlying 'reasoning' may not be well articulated in the lengthy preambles to those Regs., . . . that was [as I recall] partly to save the homes and assets of well-meaning individuals and community folks who receive $50,000 in federal funds, but are later found in some Audit to have not handled all aspects under the fine-print rules [ i.e., save them from us, and our sometimes voracious Auditor(s) ], but surely . . . most of the underlying reasoning included, save such folks from personal exposure to liability, for the good things they are doing with the TAG ? . . . as usual with business, often the whole point of 'incorporating' is to not keep personal liability ?

* The work of any TAG grantee is primarly to secure, and to disseminate, Technical Assistance . . . i.e., Information . . . and the 'liability' risk for engaging a scientist to examine site information, and help disseminate it to your larger community near the site . . . should be very minimal, but is admittedly more than zero. There may possibly be interests who don't want the information shared ? . . . or who oppose Other non-TAG initiatives, if any ? However, Beverly Negri has never heard of such a thing in seven years, and I have not either, in decade+ of grants work.

* Your local counsel would be the one to advise you on what liability a person has, under New Mexico state law, for actions done in official capacity WITHIN your N.M.- nonprofit - corporation, but . . . we have to assume that such risk is really minimal, and that, for things done by the 'corporation,' only it [= the corporation] [ which as you know has little worth suing over ] would be at risk ?

* I can tell you clearly that There Is No Federal 'Protection' from lawsuit risks, for any grantee, TAG or otherwise. However sympathetic and helpful at many times, EPA is generally not allowed to 'come to the rescue' [lawyer buzzword is 'intervene'] if some fool brings a civil suit against the TAG grantee or its officers / employees . . . that simply is not EPA's mission, and is not what the TAG "assistance" [grant] was intended for, by Congress.

* If you or officer(s) or employee(s) do feel any risk of liability, I can only recommend that such person(s) secure private insurance, whether 'liability' or 'umbrella' or otherwise. I do not think that the TAG grant could or would or should pay for that expense . . . partly that such fringes are not 'necessary and reasonable" expenses of a modest $50k grant, mostly operated by volunteers, and mostly that such liability is speculative or unlikely or less.

I am also going to be out of the office [off to a Washington meeting] tuesday thru thursday, and back

friday [October 11th]. If I can provide other support and encouragement . . . or if you do want a fully researched and formalized answer, which would be less prompt and informal . . . don't hesitate to contact me.

**Paul M. Witthoeft, J.D., M.P.A.**
**Assistant Regional Counsel (6RC-D)**

Beverly Negri
10/07/2002 07:09 AM
Mr. Douglas,

I am sending your e-mail on to Paul Witthoeft, my Region 6 TAG Counsel. During my seven years as the TAG Project Officer, I have not been asked this question, so I need to ask Mr. Witthoeft to help answer it. I will be out of the office on travel until October 11. Hopefully Paul can help us with an answer by my return.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157
negri.beverly@epa.gov

David Douglas <douglas@nm.net>

**David Douglas**
**<douglas@nm.net>**
10/04/2002 02:22 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: TAG Liability

Hi Beverly --

As a board member of the Rio Colorado Reclamation Committee TAG in Questa, NM, I am concerned about the legal minefield for our TAG.

Can you tell me to what extent the law protects, if at all, the TAG, its board members, TAG employees (Grant Administrator and Technical Assistants), etc. from any legal action being brought against it? Would it be advisable for us to get some sort of insurance to protect us?

While we hope that that scenario never plays out, I would like to know where we stand, legally speaking.

Also, if you have any other observations or recommendations I would appreciate your passing them on.

Thanks. I appreciate your help.

David Douglas

<><><><><><><><><><><><><>
David Douglas
4601 Montano NW, #116

Albuquerque, NM 87120
douglas@nm.net
505.899.0774
<><><><><><><><><><><><><>

**Beverly Negri**
09/25/2002 01:00 PM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Questa Mayor

please place in the TAG file
Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
Superfund Job Training Initiative Liaison
214.665.8157
negri.beverly@epa.gov
Have a great day!
----- Forwarded by Beverly Negri/R6/USEPA/US on 09/25/2002 01:00 PM -----

**Karen Douglas <minniemoomoo@comcast.net>**
09/24/2002 01:58 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: rachellconn@yahoo.com
Subject: Questa Mayor

Dear Beverly,

I just thought I'd give you a head's up. Charlie Gonzales, the Mayor of Questa, is quite upset that Molycorp is hiring out-of-state contractors to do NPDES work. He's concerned the same thing will happen with EPA work related to the RI/FS.
I ran into him at a mine Technical Review Committee meeting the other day and passed on your phone number for him to speak with you about possible training programs.

On the topic of TAG, he understands that the Village of Questa was ineligable for the TAG grant. A number of us have been trying to encourage him, as well as members of the Town Council to join the RCRC as individuals. Somehow, Mike Malloy of Gannet Fleming in Albuquerque convinced him and the rest of the Council that his company could do the same work for the Village that the TAG group could do. Some of the promises he made to the Mayor seem pretty off the wall. I know that Mr. Malloy contacted me several months ago about applying for the TA position when we start the hiring process, but now he has made this pact with the Village.

Hopefully you'll have better luck in explaning to Charlie who can do what in this whole process. We also are all hoping that there is some kind of Job Training Program for which many of the displaced miners in Taos County could qualify. We do understand, however, that this is unrelated to the TAG grant.

Looking forward to seeing you in November,

Karen

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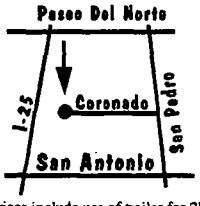
EZ CART

READY-MIX CONCRETE YOU HAUL IT!




| Concrete | 2500psi | 3000psi | 3500psi |
|---|---|---|---|
| 1 1/2 yards | $131.00 | $137.00 | $143.00 |
| 1 1/4 yards | $116.00 | $122.00 | $128.00 |
| 1 yard | $ 99.00 | $106.00 | $112.00 |
| 3/4 yard | $ 86.00 | $ 92.00 | $ 98.00 |
| 1/2 yard | $ 70.00 | $ 78.00 | $ 84.00 |
| 1/4 yard | $ 56.00 | $ 63.00 | $ 69.00 |

Prices include use of trailer for 2hrs; $25 per hour for each additional hour. $50 cleaning fee if traileer is returned dirty. Prices subject to change. 2" ball is required.

5701 CORONADO AVE NE

505-856-7515

## REQUEST FOR PROPOSAL

The Albuquerque Downtown Action Team (DAT) requests proposals from qualified environmental consultants to 1) review technical data regarding the Fruit Avenue Superfund Site, 2) provide recommendations for future action, 3) communicate their findings to the community, and 4) monitor the progress of the proposed clean-up. The EPA awarded DAT a $50,000 Technical Assistance Grant (TAG) to provide these services to the community. A copy of the complete scope of work is available at the address listed below. DAT will award the contract based upon qualifications. Respondents must submit a technical approach and cost breakdown, a description of the proposed project team, qualifications to perform the work, and customer references. No proposal greater than ten pages in length will be accepted. Proposal text shall be single-spaced with 12 point font. Proposals are due at the office of the Downtown Action Team by 3:30 pm, August 16, 2002,

•Respondents are encouraged to examine the existing technical data, located at the main library (501 Copper Ave SW).

•Submit proposals to: Downtown Action Team, Inc., attn: Dana Schaefer, 111 Fifth Street S.W. Albuquerque., NM 87102 (505)243-2230.

Created by New Mexicans for New Mexicans

New Mexico Mutual Group

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New Mexico Mutual Casualty
Southwest Casualty Company
Foundation Reserve Insurance

3900 Singer Blvd. NE
Albuquerque, NM 87109

Phone - (505) 345-7260
Fax - (505) 345-3451



*sent FedEx to Rachel Conn (RCRC) on Sept. 24, 2002.

9/11/02

Dana Schaefer - Fruit Ave. Plume - DAT
not in - left message 9:30 AM
to call cancelling meeting of 10/10. Asked
her to call + let us know of a date in Nov.
Rachel Conn - 9:45 AM - Molycorp.
Left message cancelling meeting
of Oct. 10 because B. Negri is out of
town, at Wash. D.C. all of October
is busy with ~~as~~ travel to other areas.

[illegible]

**Beverly Negri**

08/29/2002 09:16 AM

To: Zana Halliday/R6/USEPA/US
cc: Brooke Ivener/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc:
Subject: Molycorp TAG

Record of Communication
8/28/02
Telephone Call: w/Rachel Conn
Subject of Call: Technical Assistance Grant (TAG) status/process

* TAG should be awarded within the next two weeks
* agreed to send Ms. Conn an example of a newspaper notice of a Request for Proposals for the Technical Advisor (TA) - example mailed on 8/28
* committed to sending Ms. Conn the grantee folder that contains all of the TAG administration forms - folder mailed on 8/28
* I committed to preparing a newspaper notice and a fact sheet announcing the awarding of the TAG
* we tentatively discussed setting meeting times to: 1) train the TAG administrator on grant administrative processes and 2) meet with the Rio Colorado Reclamation Committee Board to discuss TAG responsibilities
* if she can travel at this time, we plan on Brooke Ivenor traveling with us so that she can meet the community members

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Enviromental Protection Agency
1445 Ross Avenue
Dallas, Tx 75202-2733
Attn: Zana Halliday (6SF-PO)

3a

TAG - moly corp

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Rachel Conn, Program Mgr.
Rio Colo. Reclamation Comm.
7256 Hwy. 518
Rancho de Taos, NM 87557

4a. Article Number
7001 0360 0003 6671 8172

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
RANCHOS DE TAOS NM 87557 U.S.P.S. 2001

5. Received By: *(Print Name)* RACHEL CONN

6. Signature: *(Addressee or Agent)* X. Rachel Conn

8. Addressee's Address *(Only if requested and fee is paid)*

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form **3811**, December 1994 Domestic Return Receipt

U.S. Postal Service
**CERTIFIED MAIL RECEIPT**
*(Domestic Mail Only; No Insurance Coverage Provided)*

OFFICIAL USE

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | $ |

Postmark Here

7001 0360 0003 6671 8172

Sent To: Rachel Conn, Program Mgr
Street, Apt. No.; or PO Box No.: RCRC 7256 Hwy 518
City, State, ZIP+4: Rancho de Taos, NM 87557

PS Form 3800, January 2001 See Reverse for Instructions

September 3, 2002

Ms. Rachel Conn
Vice President/Program Director
7256 Hwy. 518
Ranchos de Taos, NM 87557

Re: Technical Assistance Grant (TAG)
Rio Colorado Reclamation Committee (RCRC)
No. 1-98687101-0

Dear Ms. Conn:

Enclosed is a six-part file folder containing blank U.S. Environmental Protection Agency (EPA) general grant documents that can be used in managing your TAG and will be helpful in assisting you in keeping accurate TAG records. The folder includes the following blank forms:

- Total Cash In-Kind Contributions For Each Month
- Summary - Monthly Recording of Group's Matching Contribution
- Standard Form 270 - Request for Advance or Reimbursement (also included in this section is a set of "Instructions for Completing Standard Form 270")
- TAG Quarterly Progress Report
- EPA Form 5700-52A - MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Interagency Agreements
- Standard Form 269A - Financial Status Report

We have included a copy of the draft fact sheet "Technical Assistance Grants (TAG): How to Find, Choose, and Hire a Technical Advisor".

We recommend that you include in your TAG administration folder copies of all TAG related correspondence (including e-mail messages), TAG Quarterly Progress Reports, a copy of your signed award document, any/all Technical Advisor TAG reports, and any other TAG related documents. It is very important that you keep accurate records.

We have set up a similar file folder for our use in overseeing the TAG. Our file includes copies of correspondence with you, e-mail messages, a copy of your award document, TAG

reports, etc. We recently were audited on a TAG and the EPA headquarters auditors complimented us on having such a comprehensive file, so it is very important to keep accurate records. In case of audit, you are required on your Superfund TAG to retain your records for ten years after your TAG is closed.

We would like to set up a training session with your TAG administrator for sometime in October, 2002. We would also like to attend a RCRC board meeting on the same day. We will be contacting you soon to set up a date and time for these meetings.

If you have any questions about completing the forms, please call me or Zana Halliday at 1-800-533-3508.

Sincerely,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

Enclosure

cc: w/o enclosure
Mr. Roberto Vigil
President of the Board
P.O. Box 333
Questa, NM 87556

bcc: w/o enclosure

| | |
|---|---|
| Coulson | 6MD-RX) |
| Purcell | (6SF-LP) |
| Ivener | (6SF-PO) |
| TAG File | (6SF-PO) |

L:\MolycorpFolder.wpd

Serious Texan[illegible]\ga[illegible]st Nuclear Dumping
Tuesday, 15 February 2000
7 - 9 p.m.
Carson County Square House Museum
Panhandle, Texas

STAND was awarded a Technical Assistance Grant (TAG) from the nvironmental Protection Agency on January 20, 2000, to provide funds or the hiring of an independent technical advisor to help interpret and comment on Pantex-related information. The TAG is awarded to qualified citizens' groups affected by a Superfund site -- the nation's orst hazardous waste sites -- of which Pantex is listed. As a member of he Save Texas Agriculture and Resources (STAR) coalition, STAND is sponsoring this meeting as the first step in the TAG process.

Please come and join in the discussion.

For more information please call: Trish Neusch, 358-2622.

4B Amarillo Daily News Saturday, March 4, 2000

## Solicitation for Technical Advisor

Serious Texans Against Nuclear Dumping, Inc. (STAND), a local non-profit citizens' group, is soliciting proposals for a technical advisor to review and interpret groundwater data. The technical advisor will provide resulting interpretations in clear and concise reports and through public presentations. Small business owners, women, and minorities are encouraged to apply.

To receive a copy of the formal solicitation for proposals, please submit a written request by fax, email, or regular mail to:

*Trish Neusch, TAG Administrator*
*STAND, Inc.*
*Fax: (806) 355-3837*
*Email: tn4stand arn.net*
*Mail: 7105 W. 34th Ave., Suite E*
*Amarillo, TX 79109-2907*

Sunday, March 5, 2000 The Dallas Morning News 50 L

## Solicitation for Technical Advisor

Serious Texans Against Nuclear Dumping, Inc. (STAND), a non-profit citizens' group, is soliciting proposals for a technical advisor to review and interpret groundwater data. The technical advisor will provide resulting interpretations in clear and concise reports and through public presentations. Small business owners, women, and minorities are encouraged to apply. To receive a copy of the formal solicitation for proposals, please submit a written request by fax, email, or regular mail to: Trish Neusch, TAG Administrator, STAND, Inc. Fax: (806)355-3837; Email: tn4stand@arn.net; Mail: 7105 W 34th Ave, Suite E, Amarillo, TX 79109-2907. Deadline for submission of proposal is: March 27, 2000.

Operations Director
STAND, Inc.
7105 W 34th Ave, Suite E
Amarillo, TX 79109-2907
phone (806)358-2622
fax (806)355-3837

**Beverly Negri**

03/06/02 06:57 AM

To: Karen Douglas <minniemoomoo@comcast.net>
cc: Zana Halliday/R6/USEPA/US,
cc: amanda_douglas@mckinsey.com, ajkelton@aol.com, annekious2yahoo.com@mail.comcast.net, anthonyglopez@qwest.net, bwolf@amigosbravos.org, Beverly Negri/R6/USEPA/US@EPA, FLAMINGOBZ@aol.com, macd@kitcarson.net, wathawa@kitcarson.net, bshields@amigosbravos.org, btatum@laplaza.org, shearouse@un.org, morganeagle@hotmail.com, merchant@lobo.net, charlie_de_saillan@nmenv.state.nm.us, cbdplanng@ad.com, evans1802@juno.com, cgomez@amigosbravos.org, Bjsdoug@aol.com, Charlene.Rimbert@twtelecom.com, haaker@nm.net, culum_flynn@hotmail.com
Subject: Re: New e-mail address

Thanks, We will add it to our TAG file info.

Beverly
Karen Douglas <minniemoomoo@comcast.net>

**Karen Douglas <minniemoomoo@comcast.net>**

03/04/02 09:46 AM

To: amanda_douglas@mckinsey.com, ajkelton@aol.com, annekious2yahoo.com@mail.comcast.net, anthonyglopez@qwest.net, bwolf@amigosbravos.org, Beverly Negri/R6/USEPA/US@EPA, FLAMINGOBZ@aol.com, macd@kitcarson.net, wathawa@kitcarson.net, bshields@amigosbravos.org, btatum@laplaza.org, shearouse@un.org, morganeagle@hotmail.com, merchant@lobo.net, charlie_de_saillan@nmenv.state.nm.us, cbdplanng@ad.com, evans1802@juno.com, cgomez@amigosbravos.org, Bjsdoug@aol.com, Charlene.Rimbert@twtelecom.com, haaker@nm.net, culum_flynn@hotmail.com
cc:
Subject: New e-mail address

Due to excite@home's ungraceful exit from the e-mail world I've got a new address:minniemoomoo@comcast.net. Because of the changeover, Comcast's mail server has been down quite a bit since last week, so anyone who's tried to send me mail from the 28th through March 3rd might want to try again.

David's address is still douglas@nm.net.

Regards,
Karen

Beverly Negri/R6/USEPA/US
11/06/2006 12:26 PM

To Zana Halliday/R6/USEPA/US@EPA
cc David Birdsong/R6/USEPA/US@EPA
bcc
Subject Fw: Molycorp, Inc. - SSID #

COPY

Zana,

Please pull and copy the back-up information for this request and give them to me. Thanks!

----- Forwarded by Beverly Negri/R6/USEPA/US on 11/06/2006 12:22 PM -----

Doretha Christian/R6/USEPA/US
11/02/2006 09:47 AM

To Beverly Negri/R6/USEPA/US@EPA
cc
Subject Molycorp, Inc. - SSID #

We have billed the PRP for reimbursement of response costs for the timeframe of 7/1/05 - 6/30/06. They have requested backup work performed documentation on the costs billed. There is a TAG with the Rio Colorado Reclamation Comm in the amount $13,157.39 included in this cost. The following are the voucher number and other information to assist you in obtaining the payment request statements needed to support these charges.

| Voucher # | Voucher Date | Voucher Amount | Treasury Schedule # | Date | Site Amount |
|---|---|---|---|---|---|
| 05AS0119958 | 08/31/05 | $3,727.50 | ACHC05244 | 09/06/05 | $3,727.50 |
| 06AS0134989 | 11/21/05 | $6,524.89 | ACHC05326 | 11/25/05 | $6,524.89 |
| 06ASA0149565 | 02/09/06 | $2,905.00 | ACHC06041 | 02/14/06 | $2,905.00 |
| | | | | Total. | $13,157.39 |

You have provided me with this information in the past so I am requesting the same thing.

Thanks.

+2,860 sent to Vegas for payment

Doretha A. Christian
christian.doretha@epa.gov
Superfund Enforcement Assessment Team (6SF-TE)
214-665-6734 (office)
214-665-6660 (fax)

1/7/06 8:30 am Files requested from Lou, SF File Room
10:30 Obtained files from File room

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505 751 3063

Fax#: 505 852 4013

ACH # 6663 (if applicable)

Request # 14

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98187101-0 | N/A | | | |
| 4 | 06DL600 | $3,727.50 | | |
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| | TOTAL AMOUNT REQUESTED $ | 3,727.50 | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Conn
Recipient Approving Official's Signature

8/30/05
Date Approved

EPA Certifying Officer Approval

Date Approved

approved for payment B. Nagi 8-31-05

COPY

$
EPA APPROVED AMOUNT
For EPA Use Only

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

May 23, 2005

Rio Colorado Reclamation Committee
Patrick Nicholson
Rachel Conn
POBox
Taos, NM

INVOICE FOR SERVICES RENDERED, APRIL, MAY, JUNE, 2005

April, 2005---office hours reviewing Molycorp Remedial Investigation Preliminary Site Characterization Study documents....6 hours @ 50..... $300.00

April 11th---attended RCRC board meeting, Herrera residence, 3 hours @ 50..... $150.00

April 11th---mileage, Cotopaxi/Questa rt 350 miles @ .365..... $127.75

April 12th---attended MMD, Amigos Bravos, and NM Environmental Law Center, and Southwest Research and Information Center meeting at MMD offices to review permit Issues and superfund studies completion dates. 3 hours @ 50..... $150.00

April 18-22nd---reviewed Rockpile Studies information from Norwest, regarding potential impacts to groundwater issues, in preparation for FMA Session...6 hours @ 50..... $300.00

April 26,27,28th---participated in Front Rockpile Failure Mode Analysis Session at mine Site (representing AB) ..... nc

April 29th—attended a status meeting of subsidence issues studies presented by Norwest In addition to updates on the site's subsidence monitoring program.....3 hours @ 50.... $150.00

May 9th-28th---, 2005 hours throughout the month reviewing Preliminary Site Characterization Study documents received in April.....8 hours @ 50.....$400.00

COPY

June 7th-10th---review Preliminary Site Characterization Study data. 4 hours @ 50..... $200.00

June 17th---teleconference call with FMA team regarding review of Final Draft of FMA Document ..... 3 hours @ 50..... $150.00

June 18th-24th---offices hours reviewing "Draft Final Risk Assessment Memorandum: Selection of Chemicals of Potential Concern", and PSCS documents...5 hours @50..... $250.00

June 28th---attended EPA community open house session, Questa, 4 hours @ 50..... $200.00

June 28th---mileage, Cotopaxi/Questa rt 350 miles @ .365..... $127.75

Total this Invoice..... $2505.50

Please Remit To:

Azurite, Inc.
P.O. Box 338
Cotopaxi, CO 81223

Thank You!

# Invoice for Services

COPY

August 3, 2005

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
May 1, 2005 thru July 31, 2005.

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 5/3/05 | Reimbursement request; SF272 filing; document review. | 2.5 | $20 | $50 |
| 5/9/05 | Grant renewal preparation/review Board Mtg. | 7 | $20 | $140 |
| 6/14/05 | emails and document review | 2 | $20 | $40 |
| 6/20/05 | Grant renewal and management Board Mtg. | 8 | $20 | $160 |
| 6/24/05 | Grant renewal preparation EPA grant discussion | 2 | $20 | $40 |
| 6/27/05 | Grant renewal discussions/coordination | 2 | $20 | $40 |
| 6/28/05 | EPA Community Mtg. Questa | 1.5 | $20 | $30 |
| 6/29/05 | Grant renewal discussions & mtg. | 1.5 | $20 | $30 |
| 7/10/05 | Review TA contract renewal & 2nd Quarter report documents | 2 | $20 | $40 |
| 7/11/05 | Administrative tasks related to grant renewal, contractors, and SOWs | 4 | $20 | $80 |
| 7/12/05 | Grant application preparation | 5 | $20 | $100 |
| 7/15/05 | Grant application preparation | 2.5 | $20 | $50 |
| 7/18/05 | Grant renewal budget preparation & email correspondence | 5 | $20 | $100 |
| 7/25/05 | Grant application revision | 3 | $20 | $60 |
| 7/28/05 | Grant application revision & Quarterly review preparation | 5 | $20 | $100 |
| Total | | 53 | $20 | $1,060 |

Reimbursable expense - office supplies $ 126

**Invoice Total** **$1,186**

Remit to:
Patrick Nicholson
266 Maria Elena Loop
Taos, NM 87571

NI S
505-751-3554
105 CAMINO PLACITA
YOUR OFFICE SUPPLY
AND EQUIPMENT STORE

07-19-2005 MC #:0000

| | |
|---|---|
| SUPPLIES | *3.60T1 |
| CARTRIDGES | *39.99T1 |
| CARTRIDGES | *40.99T1 |
| SUPPLIES | *15.95T1 |
| SUPPLIES | *5.90T1 |
| | 2X |
| | 5.39@ |
| SUPPLIES | *10.78T1 |

SUBTTL *117.21
SALE TAX *8.79T1

**TOTAL** *126.00
CHECK *126.00

PM 1-24 0029
THANK YOU
HAVE A NICE DAY
PLEASE COME AGAIN

ALL SALES FINAL

410

**Always show your P.O. Box No. and ZIP Code in your return address**

| | |
|---|---|
| Received Post Office Box/Caller Service Fees<br>From: ***(Name of Customer)*** Rio Colorado Reclamation | Amount<br>$ 36.00<br>***(Dating Stamp)*** |
| Information on your Form 1093, *Application for Post Office Box or Caller Service*, must be updated if it has changed. For regulations pertaining to P.O. boxes, see rules for use of Post Office Box and Caller Service on Form 1093. | |
| Box Number(s) 637 | ☐ For one semiannual payment period<br>☒ For Annual payment period<br>☐ Reserved Number Fee<br>Ending ***(Date)*** 5-30-06 |
| Postmaster By | **Thank You** |

PS Form **1538**, August 1989 **Receipt for Post Office Box/Caller Service Fees** **Original**

COPY

Rec'd in C & H 11/17/05 3:24pm

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505. 751. 3063

Fax#: 505. 852. 2950

ACH # 6663 (if applicable)

Request # ~~15~~ 16

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| | N/A | | | |
| 1-98087101-0 | 06DL600 | 6,524.89 | | |
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TOTAL AMOUNT REQUESTED $ 6,524.89

11/21/05 approved for payment Beverly Negi

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: [signature]
Recipient Approving Official's Signature

11/3/05
Date Approved

EPA Certifying Officer Approval

Date Approved

$
EPA APPROVED AMOUNT
For EPA Use Only

COPY

JUL 25 '03 08:11AM F VFMC P.2

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

COPY

September 28, 2005

Rio Colorado Reclamation Committee
Patrick Nicholson
Rachel Conn
POBox 637
Taos, NM 87556

INVOICE FOR SERVICES RENDERED, SEPTEMBER, 2005

September 8th—Drove to Taos to attend RCRC meeting RE: Molycorp Subsidence closure/closure criteria at Amigo Bravos office....6 hrs @ 50.....$300.00

September 8th—Lodging, Santa Fe, to attend MMD & ED meetings on 9th..... $67.44

September 9th---attended meeting at MMD offices (Santa Fe) RE: Subsidence issues related to ground and surface water quality at Molycorp mine site, design limit changes due to projected subsidence, 3 hours @ 50..... $150.00

September 9th---attended meeting at ED offices (Santa Fe) to review permit(s) status at Moycorp site, discuss superfund issues regarding tailings facility water quality, non-compliance with groundwater standards and action plan implementation to date. 2 hours @ 50..... $100.00

September 9th—mileage, Cotopaxi/ Santa Fe, 578 miles @ .365..... $210.97
September 10th,11th,---reviewed Agapito Subsidence Report, Groundwater and surface Water Investigations, 12 hours @ 50..... $600.00

September 12th—write up comments regarding subsidence investigations reports for submittal to agencies and RCRC, 4 hours @ 50..... $200.00

September 14th—drove to Questa to attend Questa Community Coalition Meeting at LaCienga, Met with RCRC board members after meeting to report on discussions. 8 hours @ 50.....$400.00

September 14th---lodging, Ft. Garland, returned to Cotopaxi on 15th.....$63.45

September 14th, mileage Cotopaxi/Questa, 350 miles @ .365..... .$127.75

Total this invoice.....$2219.61

Please Remit To: Azurite, Inc., P.O. Box 338, Cotopaxi, CO 81223 Thank You!

# BEST WESTERN LAMPLIGHTER INN

2405 CERRILLOS RD
SANTA FE, NM 87505
1-800-767-5267
MAIL@BWLAMPLIGHTER.COM

COPY



**Kenneth S Klco**
**10001 Country Rd 12**
**Cotopaxi, CO 81223**

| Room | Folio | CheckIn | CheckOut | Balance |
|---|---|---|---|---|
| 405 | 78394 | 09/08/2005 | 09/09/2005 | 0.00 |

Master Folio  Weekday: 59.00  Weekend: 59.00

| Date | Room | Description / Voucher | Charges | Credits | Balance |
|---|---|---|---|---|---|
| 09/08/2005 | 405 | Room Taxable | 59.00 | | 59.00 |
| 09/08/2005 | 405 | Sales + Bed Tax - 14.313% | 8.44 | | 67.44 |
| 09/09/2005 | 405 | Visa/Mastercard - PD | | 67.44 | 0.00 |

**Summary and Taxes**

| | |
|---|---|
| Balance Due | 0.00 |
| no plate # required | 59.00 |
| Sales + Bed Tax 14.31% | 8.44 |

2 [illegible] 08 66 Gary

# BEST WESTERN LAMPLIGHTER INN



COPY

2405 CERRILLOS RD
SANTA FE, NM 87505
1-800-767-5267
MAIL@BWLAMPLIGHTER.COM

**Kenneth S Klco**
**100 Cr 12**
**Howard, CO 81233**

| Room | Folio | CheckIn | CheckOut | Balance |
|---|---|---|---|---|
| 401 | 77394 | 08/09/2005 | 08/12/2005 | 0.00 |
| Master Folio | | Weekday: 84.15 Weekend: 84.15 | | |

| Date | Room | Description / Voucher | Charges | Credits | Balance |
|---|---|---|---|---|---|
| 08/09/2005 | 401 | Room Taxable | 84.15 | | 84.15 |
| 08/09/2005 | 401 | Sales + Bed Tax - 14.313% | 12.04 | | 96.19 |
| 08/10/2005 | 401 | Room Taxable | 84.15 | | 180.34 |
| 08/10/2005 | 401 | Sales + Bed Tax - 14.313% | 12.04 | | 192.38 |
| 08/11/2005 | 401 | Room Taxable | 84.15 | | 276.53 |
| 08/11/2005 | 401 | Sales + Bed Tax - 14.313% | 12.04 | | 288.57 |
| 08/12/2005 | 401 | Visa/Mastercard - PD | | 288.57 | 0.00 |
| | | **Summary and Taxes** | | | |
| | | Balance Due | | | 0.00 |
| | | no plate # required | | | 252.45 |
| | | Sales + Bed Tax 14.31% | | | 36.12 |

August 9, 2005

288.57
- 96.19
192.38

USGS TRIP (LODGING)

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

COPY

September 24, 2005

Rio Colorado Reclamation Committee
Patrick Nicholson
Rachel Conn
POBox
Taos, NM

INVOICE FOR SERVICES RENDERED, JULY, AUGUST, 2005

| | |
|---|---|
| July 5th---office hours, work on contract document as requested by RCRC, 6 hours @ 50..... | $300.00 |
| July 26th---office hours, review Remedial Investigation Documents, 4 hours @ 50.. | $200.00 |
| August 11th---drove to Santa Fe to attend USGS studies update, 8 hours @ 50..... | $400.00 |
| August 12th---attend USGS meeting, 8 hours @ 50..... | $400.00 |
| August 10th, 11th, lodging for USGS meetings, Best Western, Santa Fe..... | $192.38 |
| Mileage, Cotopaxi/Santa Fe Round Trip, 548 miles @ .365..... | $200.02 |
| August 17th---attended Subsidence Issues meeting at Molycorp site, 12 hrs @ 50.... | $600.00 |
| August 17th---mileage Cotopaxi/Questa rt 355 miles @ .365..... | $129.58 |
| August 26rd---office hours, write up reports on Subsidence, USGS meeting notes, Remedial Investigation progress notes COPC memorandum, 8 hrs @ 50..... | $400.00 |

COPY

| | |
|---|---|
| August 29th---office hours, review Subsidence documents, 8 hours @ 50..... | $400.00 |
| August 30th---attend RCRC Board Meeting, Taos, 7 hours @ 50..... | $350.00 |
| August 30th---mileage Cotopaxi/Taos rt 420 miles @ .365..... | $153.30 |
| Total This Invoice..... | $3725.28 |

Please Remit To:

Azurite, Inc.
P.O. Box 338
Cotopaxi, CO 81223

Thank You!

# Invoice for Services

October 15, 2005

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
August 1, 2005 thru September 30, 2005.

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 8/5/05 | Reimbursement request; SF272 filing; document review. | 2.0 | $20 | $40 |
| 8/8/05 | Quarterly Report preparation | 2.0 | $20 | $40 |
| 8/12/05 | Quarterly Report preparation | 2.5 | $20 | $50 |
| 8/13/05 | Budget revisions, administrative tasks | 2.0 | $20 | $40 |
| 8/30/05 | Grant renewal, reimbursement request Board Mtg. | 4.0 | $20 | $80 |
| 8/31/05 | Grant renewal, reimbursement request | 2.5 | $20 | $50 |
| 9/11/05 | Grant renewal discussions/coordination | 2.0 | $20 | $40 |
| 9/14/05 | Grant renewal | 3.0 | $20 | $60 |
| 9/29/05 | Quarterly Report preparation and reimbursement request. | 6.0 | $20 | $120 |
| 9/30/05 | Document review, grant renewal preparation | 3.0 | $20 | $60 |
| Total | | 29 | $20 | $580 |

**Invoice Total** **$580**

Remit to:
Patrick Nicholson
266 Maria Elena Loop
Taos, NM 87571

RECEIVED
EPA REGION VI

06 JAN 21 AM 3:11

PROGRAMS MGMT BRANCH

Send this completed form to the Technical Assistance Grant Project Officer in EPA Region 6. with backup documents attached. Region 6 will forward the form to the Las Vegas Finance Center after payment approval.

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee
Fax #: 505. 852. 2950

Contact Person: Patrick Nicholson
Phone Number: 505. 852. 4014
E-Mail Address: elquacho@lu.plaza.org

| EFT # | Request # | 20% Match/In-kind Amount (recipient provides information to EPA Region 6) $ |
|---|---|---|
| ACH# 6663 | 16 | |

| Assistance Agreement | Account No./Activity Code (Superfund Site Specific) | $ Amount | Mark (X) if Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | 06DL600 | $2,860 | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | Total Amount Requested $ | $2,860 | | |

1/31/06 Approved for payment
Beverly Negra

I certify to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

Approvals: Rachel Cor
Recipient Approving Official's Signature

Date Approved 11/21/05

$ _____
EPA Approved Amount
For EPA Use Only

_____
EPA Certifying Officer Approval

Date Approved _____

EPA 190-F-04-001

COPY

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

COPY

September 29, 2005

Rio Colorado Reclamation Committee
Patrick Nicholson
Rachel Conn
POBox 637
Taos, NM 87556

INVOICE FOR SERVICES RENDERED, END OF CONTRACT REPORT

Office hours in researching contract activities, reviewing response reports, and write up of final report for End of Contract, 40 hours @ 50.....$2000.00

Total this invoice.....$2000.00 ✓

Please Remit To:
Azurite, Inc.
P.O. Box 338
Cotopaxi, CO 81223

Thank You!

# Invoice for Services

COPY

October 29, 2005

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
August 1, 2005 thru September 30, 2005 - amended.

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| Sept. '05 | Preparation, completion, and compiling of documents for the final report. | 43 | $20 | $860 |
| Total | | 43 | $20 | $860 |

**Invoice Total** **$860**

$431.00
Administrator
Contract

Remit to:
Patrick Nicholson
266 Maria Elena Loop
Taos, NM 87571

Date: 2-6-2006

MEMORANDUM

RECEIVED

SUBJECT: **CLOSE-OUT INQUIRY**

06 FEB -7 PM 2:02

RE: 1-98687101-0 9-30-2005

**Grant/Cooperative Agreement Number** ***Ending Period***

Rio-Colorado Reclamation Committee } TAG-Molycorp Mineral Site

**Recipient** **Project Title**

10.001 Donna Wallace

**FROM:** Sharon Beets Mgm./Grantst 6MD-RX 7.057 X-7455

Grants Management Specialist/ Assistant Section/Branch mail code cubical phone

**TO:** for Beverly Negri 6SF-PD 12115 8157

Project Officer Section/Branch mail code cubical phone

see note sent to LFC { } An acceptable Final Financial Status Report (FSR) has been received for the referenced project. {yes} {no} Balance Deobligation

{✓} **MBE/WBE** (Form 5700-52A) and other required reports have also been received

{✓} **Lobbying and Litigation Certification** Form 5700-53

{ } Other

**Please concur/non-concur (sign and date, and send your reply) indicating whether this project may be closed-out.**

**PROJECT OFFICER REPLY TO CLOSE-OUT INQUIRY**

**FROM:** Donna R. Walters / Acting for B. Negri 6SF-PD X 6483

Project Officer mail code phone

**TO:** Darlene Carlson 6MD-RX X-7455

Grants Management Specialist/Grants Assistant mail code phone

{✓} I concur, the project may be closed-out. All programmatic requirements, reports, or deliverables have been received and approved.

{ } I do not concur, the project may NOT be closed-out. Programmatic requirements have not been satisfied. I will advise you when the project may be closed-out.

Signature D. Walters Date 2/7/06

comments:

Rec'd copy back from Darlene 2/7/06 ZH

Date: 2-6-2006

MEMORANDUM

SUBJECT: **CLOSE-OUT INQUIRY**

**RE:** 1-98687101-0 9-30-2005
**Grant/Cooperative Agreement Number** ***Ending Period***

Rio-Colorado Reclamation Committee } TAG-Molycorp Mining Site
Recipient Project Title

10.001 Donna Wallas

**FROM:** Sharon Beets Mgm./Grantst 6MD-RX 7.057 **X-7455**
Grants Management Specialist/ Assistant Section/Branch mail code cubical phone

**TO:** for Beverly Negri 6SF-PO 12115 8157
Project Officer Section/Branch mail code cubical phone

see note sent to LFC { } An acceptable Final Financial Status Report **(FSR)** has been received for the referenced project. {yes} {no} Balance_____ Deobligation_____

{✓} **MBE/WBE** (Form 5700-52A) and other required reports have also been received

{✓} **Lobbying and Litigation Certification** Form 5700-53

{ } Other_____

**Please concur/non-concur (sign and date, and send your reply) indicating whether this project may be closed-out.**

**PROJECT OFFICER REPLY TO CLOSE-OUT INQUIRY**

**FROM:** Donna R. Walters / Acting for B Negri 6SF-PO X6483
Project Officer mail code phone

**TO:** Darlene Carlson **6MD-RX** **X-7455**
Grants Management Specialist/Grants Assistant mail code phone

{✓} I concur, the project may be closed-out. All programmatic requirements, reports, or deliverables have been received and approved.

{ } I do not concur, the project may NOT be closed-out. Programmatic requirements have not been satisfied. I will advise you when the project may be closed-out.

Signature D. Walters Date 2/7/06

comments:

hand delivered to Grants
2/7/06 Zana

Beverly Negri/R6/USEPA/US
02/06/2006 02:04 PM

To Sharon Beets/R6/USEPA/US@EPA
cc Donn Walters/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
bcc
Subject Re: Pink Close out form coming your way on # 1-98687101-0

Sharon,

Please give this to Donn Walters who is my acting if it is OK that he sign it. Then Zana will need a copy for the TAG file. I am in New Orleans until 2/11/06.

Beverly

Sharon Beets/R6/USEPA/US

Sharon Beets/R6/USEPA/US
02/06/2006 01:45 PM

To Beverly Negri/R6/USEPA/US@EPA
cc
Subject Pink Close out form coming your way on # 1-98687101-0

Heads-up,

I will be bringing the pink slip for close-out on Grant # 1-98687101-0 that ended on 09/30/2005. All forms are in and we need a concurrence from you in order to close it.

thanks, sharon

Beverly Negri/R6/USEPA/US
02/06/2006 02:04 PM

To Sharon Beets/R6/USEPA/US@EPA
cc Donn Walters/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
bcc
Subject Re: Pink Close out form coming your way on # 1-98687101-0

Sharon,

Please give this to Donn Walters who is my acting if it is OK that he sign it. Then Zana will need a copy for the TAG file. I am in New Orleans until 2/11/06.

Beverly

Sharon Beets/R6/USEPA/US

Sharon Beets/R6/USEPA/US
02/06/2006 01:45 PM

To Beverly Negri/R6/USEPA/US@EPA
cc
Subject Pink Close out form coming your way on # 1-98687101-0

Heads-up,

I will be bringing the pink slip for close-out on Grant # 1-98687101-0 that ended on 09/30/2005. All forms are in and we need a concurrence from you in order to close it.

thanks, sharon

Donn Walters/R6/USEPA/US
02/02/2006 10:49 AM

To Zana Halliday/R6/USEPA/US@EPA
cc
bcc
Subject Fw: Can not process payment on Grant # 1 98687101

Zana, do you have what she is looking for? thanks.
----- Forwarded by Donn Walters/R6/USEPA/US on 02/02/2006 10:44 AM -----

Anedia Feaster/LV/USEPA/US
02/01/2006 08:38 AM

To Donn Walters/R6/USEPA/US@EPA
cc
Subject Fw: Can not process payment on Grant # 1 98687101

Anedia Feaster/LV/USEPA/US
02/01/2006 06:36 AM

To Patrick Nicholson <elgaucho@laplaza.org>
cc walters.donn@epa.gov.
Subject Re: Can not process payment on Grant # 1 98687101

Hi Patrick,

When I sent this e-mail, I cc'd Beverly and received an e-mail back that she would be out until 2/13/06. I will try to contact Donna Walters who is her backup to see if she can locate the final FSR. Thanks.

Donna, could you please fax me a copy of the final FSR submitted by the Rio Colorado Reclamation Committee and let me know if it is ok to process their final payment? The grant # is 1 98687101. Please let me know if you require additional information. Thanks.

Anedia Feaster
Financial Specialist

Phone (702) 798-2411
Fax (702) 798-2423
Email: feaster.anedia@epa.gov

Patrick Nicholson <elgaucho@laplaza.org>

Patrick Nicholson <elgaucho@laplaza.org>
01/31/2006 07:29 PM

To Anedia Feaster/LV/USEPA/US@EPA
cc Rachel Conn <rconn@amigosbravos.org>, Beverly Negri/R6/USEPA/US@EPA
Subject Re: Can not process payment on Grant # 1 98687101

2/2/06 Forwarded FSR to Las Vegas, per Beverly Negri, even tho it is incorrect. zfh

Hi Anedia,

Beverly should already have the FSR, it was submitted in mid-January along with the payment request. Could you check with her, perhaps she's neglected to fwd. it on to you.

Thx.

Patrick Nicholson
Grant Administration

505.751.3063

----- Original Message -----
From: <Feaster.Anedia@epamail.epa.gov>
To: <elgaucho@laplaza.org>
Cc: <Negri.Beverly@epamail.epa.gov>
Sent: Tuesday, January 31, 2006 5:08 PM
Subject: Can not process payment on Grant # 1 98687101

> Hi Patrick,
>
> I received a payment request from Beverly Negri in the amount of $
> 2,860.00 for grant # 1 98687101 that I am unable to process because
> your budget period expired on this grant on 9/30/05. The final
> Financial Status Report (FSR) was due on 12/30/05. I will not be able
> to process any payments until the FSR is received. Once I receive the
> FSR I will be able to process your final payment and financially close
> out the grant. In the meantime, I will reject this payment and wait
> for the FSR. If you require assistance in completing this form, or if
> you have any questions, please give me a call or e-mail me. Thanks.
>
> Anedia Feaster
> Financial Specialist
>
> Phone (702) 798-2411
> Fax (702) 798-2423
> Email: feaster.anedia@epa.gov
>
>
>
>
> --
> No virus found in this incoming message.
> Checked by AVG Free Edition.
> Version: 7.1.371 / Virus Database: 267.14.23/243 - Release Date: 1/27/2006
>
>

--
No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.1.371 / Virus Database: 267.14.23/243 - Release Date: 1/27/2006

Beverly Negri/R6/USEPA/US
02/01/2006 10:31 AM

To Zana Halliday/R6/USEPA/US@EPA
cc
bcc
Subject Fw: Can not process payment on Grant # 1 98687101

History: This message has been replied to.

----- Forwarded by Beverly Negri/R6/USEPA/US on 02/01/2006 10:27 AM -----

Anedia Feaster/LV/USEPA/US
01/31/2006 06:08 PM

To elgaucho@laplaza.org
cc Beverly Negri/R6/USEPA/US@EPA
Subject Can not process payment on Grant # 1 98687101

Hi Patrick,

I received a payment request from Beverly Negri in the amount of $ 2,860.00 for grant # 1 98687101 that I am unable to process because your budget period expired on this grant on 9/30/05. The final Financial Status Report (FSR) was due on 12/30/05. I will not be able to process any payments until the FSR is received. Once I receive the FSR I will be able to process your final payment and financially close out the grant. In the meantime, I will reject this payment and wait for the FSR. If you require assistance in completing this form, or if you have any questions, please give me a call or e-mail me. Thanks.

Anedia Feaster
Financial Specialist

Phone (702) 798-2411
Fax (702) 798-2423
Email: feaster.anedia@epa.gov

RECEIVED
EPA REGION VI

06 JAN 21 AM 3:10

PROGRAMS MGMT BRANCH

December 21, 2005

Beverly Negri,
6 SF-/PO
US EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri,

Please find enclosed the information and documents required to close-out the first grant of the Rio Colorado Reclamation Committee. I have not forwarded any documents i.e. the Cash Transaction Report SF 272, Final Financial Status Report SF 269A, or the Final Payment Request to the Las Vegas Financial Center, as I would like you to review these documents first. After your review, please forward these documents to the LVFC.

With this submittal, the RCRC anticipates a favorable response to our request for a second grant award.

If there are any questions or other documents or issues outstanding, please contact me immediately at either 505.852.4014 or 505.751.3063.

Again, thank you for all your assistance and support during this lengthy process.

Sincerely,

Patrick Nicholson
Grant Administrator

Enc.

# EPA REGION 6
# CLOSEOUT GUIDE FOR ASSISTANCE AGREEMENTS

RECEIVED
EPA REGION VI
06 JAN 21 AM 3: 10
PROGRAMS MGMT BRANCH

This guide is intended to facilitate closeout of assistance agreements.

*****All applicable forms or reports must be submitted within 90 days of the project/budget period expiration date.*****

Forms may be found on our website:
http://www.epa.gov/earth1r6/6md/grants.htm

Incorrect needs to be corrected

wrong

## FINAL FINANCIAL STATUS REPORT and FINAL PAYMENT REQUEST

The enclosed short form FSR (SF 269A) must be submitted in accordance with the terms and conditions in the Assistance Agreement. If you need to report program income, please submit the long form FSR (SF 269), which can be obtained from our website listed above.
The final FSR and payment request are due no later than 90 days after the end of the project/budget period and must be submitted to: ***U.S. EPA, LVFC, POB 98515, Las Vegas, NV 89193-8515.*** For more information contact: Bill Pumphrey, LVFC at 702-798-2493 or pumphrey.william@epa.gov.

## FINAL TECHNICAL/PERFORMANCE REPORT

The final technical/performance report must be submitted to the ***EPA Project Officer*** listed on the subject agreement in accordance with the terms and conditions in the Assistance Agreement and the approved work plan. For content of the Final Report Refer to 40 CFR 30.51(d) or 40 CFR 31.40(b)(2), whichever is applicable. For questions regarding content of the Final Report, please contact the Project Officer.

## MINORITY/WOMEN'S BUSINESS ENTERPRISE UTILIZATION (MBE/WBE) REPORT

The MBE/WBE report (EPA Form 5700-52A) is required which identifies funds expended for supplies, equipment, contractual services or construction during the life of the assistance agreement. The final report should include only those expenditures that were not previously reported as well as a ***negative report*** if no funds were expended during the time period of the last report. The completed and signed report must be submitted to: ***US EPA, Region 6, Grants Team (6MD-RX), 1445 Ross Ave, Suite 1200, Dallas, TX 75202-2733.***
For more information, please contact: Debora N. Bradford, EPA Region 6, Small and Disadvantaged Business Coordinator, Ph: 214-665-7406, email: bradford.debora@epa.gov.

## LOBBYING & LITIGATION CERTIFICATION

EPA FORM 5700-53 is required at the end of the grant period to certify that no federal assistance funds were used to engage in lobbying the Federal Government or in litigation against the United States unless authorized under existing law. (Reference: EPA's annual appropriations acts for fiscal year 2002 and fiscal year 2003. PL 106-74, §426 and PL 106-377, §424 respectively).
This form must be submitted to: ***US EPA, Region 6, Grants Team (6MD-RX), 1445 Ross Ave, Suite 1200, Dallas, TX 75202-2733.*** For more information, please contact the ***Grants Specialist*** listed on the award document.

## FEDERAL CASH TRANSACTIONS REPORT (SF272)

The SF272 report is due within 15 working days following the semiannual periods ending June 30 and December 31 of any given calendar year. This form must be submitted to: ***U.S. EPA, LVFC, POB 98515, Las Vegas, NV 89193-8515.*** For more information contact: Bill Pumphrey, LVFC at 702-798-2493

RERC
P.O. Box 637
Questa, NM 87556

RECEIVED
EPA REGION VI
06 JAN 21 AM 3:33
PROGRAMS MGMT BRANCH

Beverly Negri
6 SF-/PO
US EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Form Approved OMB NO. 2030-0020 Approval Expires 12/3/02

RECEIVED
EPA REGION VI
05 JAN 2 AM 10:
PROGRAMS MGMT BRANCH

EPA

# LOBBYING AND LITIGATION CERTIFICATION FOR GRANTS AND COOPERATIVE AGREEMENTS*

INSTRUCTIONS:

* At project completion, complete this form pursuant to the 2001 Department of Veterans Affairs and Housing and Urban Development, and Independent Appropriations Act, Public Law 106-377, Section 424 and 2000 Department of Veterans Affairs and Housing and Urban Development, and Independent Appropriations Act, Public Law 106-74, Section 426 and any other subsequent Appropriation Act requirements.

Please mail this form to your EPA Grant Specialist within 90 days of project completion. DO NOT send this information to the Office of Management & Budget.

Assistance Agreement Number(s):

i-98687101-0

I hereby certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

Roberto Vigil
Signature of the Chief Executive Officer

Date 11/29/05

Roberto Vigil
Print Name

Burden Statement - The annual public reporting and record keeping burden for this collection of information is estimated to average 5 minutes per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to , a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Regulatory Information Division, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Mail Code 3213A, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington, DC 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number in any correspondence.

EPA Form 5700-53 (Rev. 7-02)

2/1/06 Original to Darlene, Grants
ZLh

Rio Colorado Reclamation Committee
A community based organization dedicated to the reclamation of the
Molycorp mine and the restoration of the Red River in Northern New Mexico

RECEIVED
EPA REGION VI
05 DEC -8 PM 2:29
PROGRAMS MGMT BRANCH

November 11, 2005

Beverly Negri,
6 SF-/PO
US EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri,

Please find enclosed our 3rd quarter 2005 progress report and deliverables. The report covers activities from July 1, 2005 through September 30, 2005. This will be the last report under this grant unless funding is restored. We are still waiting for an official response regarding the status of our grant renewal request. Hopefully, the grant application will finally be reviewed and RCRC can continue to play an important role in the community.

The following are the enclosed documents and deliverables:

- 3rd Quarter 2005 Progress Report.
- Report on the Technical Advisor's Activities for the 3rd Quarter 2005 from Technical Advisor, Ken Klco.
- Report on USGS Baseline Meeting/TWG in Santa Fe, NM on August 11, 2005.
- Summary of Draft Final Report of Risk Assessment Memorandum: Selection of Chemicals of Potential Concern for the Molycorp Site.
- Preliminary Report on Molycorp Subsidence Close-out Plan Meeting held on August 17, 2005.

If there are questions regarding the Quarterly Report, the Grant Renewal, or on any other matter, please do not hesitate to contact us.

Thank you for your support.

Sincerely,

Patrick Nicholson
Grant Administrator

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

Beverly Negri/R6/USEPA/US
12/14/2005 08:38 AM

To Patrick Nicholson <elgaucho@laplaza.org>, Rachel Conn <rconn@amigosbravos.org>
cc Zana Halliday/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
bcc
Subject Fw: RCRC Application for TAG #1-98687101-0

We followed up with the EPA Grants Administration Specialist about your 12/8/05 e-mail. She informed us that the rules on small grants have changed, and she now needs written documentation on 1) what the $3,800 for "supplies" will be spent for and 2) how the $2,000 "other" will specifically be used. She also reminded us that the RCRC grant did not expire until 9/30/05, therefore RCRC has 90 days (until December 31, 2005) to furnish "final documents" to close out the grant. The old grant must be closed before a new grant can be awarded. In addition, the Las Vegas Financial Center shows that RCRC still has a monetary balance of $6,135.99, in the expired grant which will need to be de-obligated. The Grants Specialist will not award the new grant until all the above actions have occurred and the documentation has been received. Because EPA grants are being looked at under a microscope, delays in awarding grants are frequent.

Patrick, delay on awarding the add-on grant has been caused by several issues including the end-of-year Congressional budget rescission, the failure of RCRC to respond timely to the EPA directions on completing the required paperwork, new directions for processing grants and my being pulled into the Hurricane Katrina response. I regret that the grant has yet to be awarded, but the combination of issues have greatly complicated everything.

Beverly Negri

----- Forwarded by Zana Halliday/R6/USEPA/US on 12/13/2005 08:58 AM -----

Patrick Nicholson
<elgaucho@laplaza.org>
12/08/2005 11:32 AM

To Zana Halliday/R6/USEPA/US@EPA
cc Rachel Conn <rconn@amigosbravos.org>
Subject Re: RCRC Reimbursement/Application #1-98687101-0

Hi Zana,

Happy Holidays.

Any word yet on our grant award? We have patiently waited nearly five months now and many activities and functions of RCRC are on hold pending the anticipated award. Anything you or Beverly could do to initiate an award letter would be greatly appreciated.

Thx.

Patrick Nicholson
Grant Administrator

----- Original Message -----
**From:** Halliday.Zana@epamail.epa.gov
**To:** elgaucho@laplaza.org ; rconn@amigosbravos.com

**Sent:** Monday, November 21, 2005 9:43 AM
**Subject:** RCRC Reimbursement/Application #1-98687101-0

We received your revised application and your request for reimbursement late Thursday evening. Beverly approved your reimbursement request today for $6,524.89 and it has been forwarded to Las Vegas Financial Center for processing.

Your revised application is currently under review.

Zana Halliday/R6/USEPA/US
12/13/2005 09:09 AM

To Beverly Negri/R6/USEPA/US@EPA
cc
bcc
Subject Fw: RCRC Reimbursement/Application #1-98687101-0

I followed up on Patrick's e-mail dated 12/8/05 with the Grants Specialist. She informed me that rules on small grants have changed, and she needs written documentation of what the $3,800 "for supplies will be spent for, and what the $2,000 "other" will specifically be used for. She also reminded me that their grant did not expire until 9/30/05, that they have 90 days to furnish "final documents" to close out that grant, which is December 31, 2005. Per Las Vegas Financial Center, RCRC still has a monetary balance in the expired grant of $6,135.99 which will need to de-obligate if not used by RCRC.

She will not be awarding this new grant until all the above is complied with, so it will be sometime after January 2006.

Zana K. Halliday
USEPA-Superfund Division
Technical Assistance Grants - Assistant
214.665.8363
halliday.zana@epa.gov
Have a wonderful day!
----- Forwarded by Zana Halliday/R6/USEPA/US on 12/13/2005 08:58 AM -----

Patrick Nicholson
<elgaucho@laplaza.org>
12/08/2005 11:32 AM

To Zana Halliday/R6/USEPA/US@EPA
cc Rachel Conn <rconn@amigosbravos.org>
Subject Re: RCRC Reimbursement/Application #1-98687101-0

Hi Zana,

Happy Holidays.

Any word yet on our grant award? We have patiently waited nearly five months now and many activities and functions of RCRC are on hold pending the anticipated award. Anything you or Beverly could do to initiate an award letter would be greatly appreciated.

Thx.

Patrick Nicholson
Grant Administrator

----- Original Message -----
**From:** Halliday.Zana@epamail.epa.gov
**To:** elgaucho@laplaza.org ; rconn@amigosbravos.com
**Sent:** Monday, November 21, 2005 9:43 AM
**Subject:** RCRC Reimbursement/Application #1-98687101-0

We received your revised application and your request for reimbursement late Thursday evening. Beverly approved your reimbursement request today for $6,524.89 and it has been forwarded to Las Vegas Financial Center for processing.

Your revised application is currently under review.

Zana Halliday/R6/USEPA/US

11/21/2005 10:43 AM

To elgaucho@laplaza.org, rconn@amigosbravos.com

cc

bcc

Subject RCRC Reimbursement/Application #1-98687101-0

We received your revised application and your request for reimbursement late Thursday evening. Beverly approved your reimbursement request today for $6,524.89 and it has been forwarded to Las Vegas Financial Center for processing.

Your revised application is currently under review.

Zana Halliday/R6/USEPA/US
10/25/2005 06:15 AM

To Patrick Nicholson <elgaucho@laplaza.org>
cc Beverly Negri/R6/USEPA/US@EPA
bcc
Subject Re: TAG # 1-98687101-0. Rio Colorado Reclamation Committee (RCRC)

Per your request, I am mailing you the forms MBE/WBE and Financial Status Report for your annual reporting period for FY 2005.

Patrick Nicholson <elgaucho@laplaza.org>

Patrick Nicholson
<elgaucho@laplaza.org>
10/24/2005 03:11 PM

To Zana Halliday/R6/USEPA/US@EPA
cc Rachel Conn <rconn@amigosbravos.org>
Subject Re: TAG # 1-98687101-0. Rio Colorado Reclamation Committee (RCRC)

Thx. for the reminder Zana. But per our contract, reports are due 45 days after the end of the quarter. I'm on travel now and will get the required documents in by early November.

Also, could you plz. send the most recent MBE/WBE & Financial Status Report forms to my address or attach as an email doc.

Thx. again.

Patrick

----- Original Message -----
**From:** Halliday.Zana@epamail.epa.gov
**To:** elgaucho@laplaza.org ; rconn@amigosbravos.com
**Cc:** Coulson.Darlene@epamail.epa.gov
**Sent:** Monday, October 17, 2005 1:38 PM
**Subject:** TAG # 1-98687101-0. Rio Colorado Reclamation Committee (RCRC)

The budget and project period for the RCRC TAG ended on September 30, 2005. As of 10/17, the following reports have not been received by Region 6:

-Quarterly Progress Report for 7/1/05 - 9/30/05
-Financial Status Report for 1/01/05 - 9/30/05
-MBE/WBE Report for 1/01/05 - 9/30/05
-Technical Report from Technical Advisor for 7/01/05 - 9/30/05

These reports are required at the end of the TAG budget/project period and must be submitted to EPA by October 28, 2005. If you have any questions, please contact Beverly Negri at 214/665/8157 or 1/800/533/3508.

Zana Halliday/R6/USEPA/US

10/17/2005 02:09 PM

To elgaucho@laplaza.org, rconn@amigosbravos.com

cc Darlene Coulson/R6/USEPA/US,

bcc

Subject TAG # 1-98687101-0. Rio Colorado Reclamation Committee (RCRC)

The budget and project period for the RCRC TAG ended on September 30, 2005. As of 10/17, the following reports have not been received by Region 6:

-Quarterly Progress Report for 7/1/05 - 9/30/05
-Financial Status Report for 1/01/05 - 9/30/05
-MBE/WBE Report for 1/01/05 - 9/30/05
-Technical Report from Technical Advisor for 7/01/05 - 9/30/05

These reports are required at the end of the TAG budget/project period and must be submitted to EPA by October 28, 2005. If you have any questions, please contact Beverly Negri at 214/665/8157 or 1/800/533/3508.

8-31-05 1:36 pm
called & emphasized "stop spending" at end of grant period.

Zana Halliday/R6/USEPA/US
08/31/2005 12:23 PM

To Beverly Negri/R6/USEPA/US,
cc
bcc
Subject Fw: Payment Request

Patrick called me at 10:30 this am to see if I received the e-mail which I had. I told him he could fax the the signed copy of the pay request and then send in the original to Beverly. He said he had a problem with my message stating that the grant expired and cost accrued beyound the expired date could not be reimbursed. He stated he was told they could keep right on going, that he did not need an extension, that he would have the new grant by Oct. 1 and the old money would roll over to the new grant. I told him the application had been returned. He stated neither he nor Rachel was at Questa very often, both lived in Taos, so he guessed he needed to go pick up the application. I told him not to expect an award on Octo. 1 since he had to revise the application. I told him he needed to complete the final reports for the old grant such as the final FSR, MBE/WBE, technical project report by the technical advisor, etc. He was very unhappy with this news and wants you to call him at 505-852-4014 concerning forthcoming expenditures after expiration date of award, etc.

----- Forwarded by Zana Halliday/R6/USEPA/US on 08/31/2005 12:22 PM -----

Patrick Nicholson
<elgaucho@laplaza.org>
08/31/2005 08:20 AM

To Zana Halliday/R6/USEPA/US@EPA
cc
Subject Re: Payment Request

Good Morning Zana,

Thx for the response below.

Can we fax a signed copy of the Payment Request Form and mail you the original to expedite the process this time?

I have as your fax # 214.665.8157. Is this correct?

Also in regards to the Sept. 30 expiration date, per advice from Beverly RCRC has not submitted a grant extension as we expect to receive a grant renewal beginning 10/1/05. As Beverly indicated, any remaining funds from the current grant will be rolled over into the renewal grant budget. If this is not your understanding plz. advise.

Finally, can you attach or mail the Final Report Form or template of areas to cover as we begin to prepare our final report for the first grant.

Thx

Patrick

P.S. Again my new office phone is
505.852.4014
(fx) 505.852.4013

----- Original Message -----
From: <Halliday.Zana@epamail.epa.gov>
To: <elgaucho@laplaza.org>; <rconn@amigosbravos.com>
Cc: <Negri.Beverly@epamail.epa.gov>
Sent: Tuesday, August 30, 2005 11:21 AM
Subject: Payment Request

> Per my telecon today with Patrick, before we can forward a payment
> request to the Las Vegas Finance Center (LVFC), it must be sent to EPA
> for Beverly's signature of approval as TAG Project Officer. We have not
> received any recent payment request form "EPA 190-F-04-001 EPA Payment
> Request" signed by Rachel Conn, Program Director for RCRC, since the
> $640 request that LVFC processed on 5/5/05. Beverly does not approve
> any requests for reimbursement unless the authorized TAG representative
> submits the signed request. If you are out of Payment Request forms let
> me know and I will FAX you one which you can copy for your payment
> requests.
>
> We did receive the Quarterly Progress Report for the period April 1-June
> 30, 2005 with deliverables and invoices but there was no signed Payment
> Request submitted.
>
> Also, a reminder that your grant budget period expires September 30,
> 2005. Any funds expended after September 30, 2005 will not be eligible
> for reimbursement.
>
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> --
> No virus found in this incoming message.
> Checked by AVG Anti-Virus.
> Version: 7.0.338 / Virus Database: 267.10.15/82 - Release Date: 8/25/2005
>
>

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No virus found in this outgoing message.
Checked by AVG Anti-Virus.
Version: 7.0.338 / Virus Database: 267.10.15/82 - Release Date: 8/25/2005

Zana Halliday/R6/USEPA/US
08/30/2005 12:07 PM

To elgaucho@laplaza.org, rconn@amigosbravos.com
cc Beverly Negri/R6/USEPA/US,
bcc
Subject Payment Request

Per my telecon today with Patrick, before we can forward a payment request to the Las Vegas Finance Center (LVFC), it must be sent to EPA for Beverly's signature of approval as TAG Project Officer. We have not received any recent payment request form "EPA 190-F-04-001 EPA Payment Request" signed by Rachel Conn, Program Director for RCRC, since the $640 request that LVFC processed on 5/5/05. Beverly does not approve any requests for reimbursement unless the authorized TAG representative submits the signed request. If you are out of Payment Request forms let me know and I will FAX you one which you can copy for your payment requests.

We did receive the Quarterly Progress Report for the period April 1-June 30, 2005 with deliverables and invoices but there was no signed Payment Request submitted.

Also, a reminder that your grant budget period expires September 30, 2005. Any funds expended after September 30, 2005 will not be eligible for reimbursement.

# Río Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

RECEIVED
EPA REGION VI
'05 AUG 16 AM 7:17
PROGRAMS MGMT BRANCH

August 8, 2005

Beverly Negri,
6 SF-/PO
US EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri,

Please find enclosed our 2nd quarter 2005 progress report and deliverables. The report covers activities from April 1, 2005 through June 30, 2005. Enclosed also is a reimbursement request of $3,727.50 with back-up documentation for your approval. From your letter dated March 7, 2005, we understand that you will forward our reimbursement requests directly to the Las Vegas Finance Center for processing.

The following are the enclosed documents and deliverables:

- 2nd Quarter 2005 Progress Report.
- [redacted]
- Report on the Technical Advisor's Activities for the 2nd Quarter 2005.
- Latest edition of RCRC newsletter, "Cuentos del Rio".
- Back-up documentation for EPA Payment Request # 14.

If there are questions regarding the Quarterly Report or on any other matter, please do not hesitate to contact us.

Thank you for your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

Beverly Negri/R6/USEPA/US
08/09/2005 01:12 PM

To Patrick Nicholson <elgaucho@laplaza.org>
cc Zana Halliday/R6/USEPA/US@EPA
bcc
Subject Re: RCRC Grant Application for Molycorp Site

I did receive application and responded to Rachel letting her know. I though she would let you know. Sorry

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Patrick Nicholson <elgaucho@laplaza.org>

Patrick Nicholson
<elgaucho@laplaza.org
>
08/09/2005 10:52 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Re: RCRC Grant Application for Molycorp Site

Good Morning Beverly,

Just a quick inquiry to confirm that you received the RCRC grant application packet. Plz. reply to indicate receipt of grant application.

Thx.

Patrick Nicholson
505.751.3063

--
No virus found in this outgoing message.
Checked by AVG Anti-Virus.
Version: 7.0.338 / Virus Database: 267.10.4/66 - Release Date: 8/9/2005

Beverly Negri/R6/USEPA/US
08/04/2005 09:53 AM

To elgaucho@laplaza, rconn@amigosbravos.com
cc Zana Halliday/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
bcc
Subject Molycorp TAG #98687101

EPA is required to implement some Interim Policies related to the Congressional FY 2006 Budget Rescission

The House and Senate Appropriations Conference Committee met on July 26, to resolve EPA's final FY 2006 appropriations bill. Included in this bill, which is going back to the House and Senate for passage, is a $80 million rescission to be taken from assistance agreements (grants and cooperative agreements), and contracts whose original period of performance has expired. EPA HQ is analyzing the final bill language with the Office of General Counsel before we decide on how best to implement this rescission.

To preserve the Agency's options to implement this $80 million rescission with minimal impact, EPA is taking three immediate steps. First, as HQ announced recently, they are delaying recertification of deobligated funds from Interagency Agency Agreements, assistance agreements, and contracts. Second, effective today and until further notice, no project period extension for IAGs and assistance agreements will be approved where the project period has expired or will expire before October 1, 2005. **Third, notwithstanding the recertification guidance in Chapter 3, Section III, Part K.1.e of the Agency's Funds Control Manual, transfer of funds between grants that will expire before October 1, 2005 will have no funds forwarded from the old grant to a new grant.**

What this means to the RCRC TAG is - if you have any funds left in the old TAG, they won't go into the new TAG. If you have any questions, please call me at 1-800-533-5308 or 214-665-8157.

Beverly

Beverly Negri/R6/USEPA/US
07/22/2005 02:41 PM

To Patrick Nicholson <elgaucho@laplaza.org>
cc Zana Halliday/R6/USEPA/US@EPA
bcc
Subject Re: RCRC grant review for Molycorp TAG

Patrick,

I've reviewed the draft Statement of Work for the Program Coordinator, the draft Project Narrative Statement and the proposed budget. I have several questions and concerns.

1. What are the difference of the job responsibilities between the Program Coordinator and the TAG Administrator? I need a brief description of the TAG Administrator's position too.
2. In looking at the budget, the non-administrative costs total about 70%, resulting in the administrative costs totaling about 30%. You need to revise the figures and modify the budget so that the administrative costs are no more than 25% of the $100,000, as 25% is the maximum percent I can allow for administrative costs.
3. Be aware that if the Program Coordinator is an independent contractor, the selection for the position must be made thru a full and open competition process that is carefully documented. RCRC Board members can't be selected to hold that position because of the potential Conflict of Interest. And, if anyone has assisted in writing the position description, they are ineligible for competing for the position for the same reason. For example, you and Rachel can't apply for the job.
4. If the Coordinator is a full-time employee of RCRC, they can't be a RCRC Board member or assisted in writing the position description because of the Conflict of Interest concern. If they are an RCRC employee, they must also complete time sheets showing how all their time is used.
5. The only person allowed to charge travel to the TAG budget is the technical advisor. The $5,000 in the budget for travel by the Program Coordinator is not allowable. The $5,000 amount will need to be placed somewhere else in the budget.
6. The proposed RCRC match equals more than 20%. Please revise the match figures and ensure the match is 20% or $25,000. This small change in the budget will make your grant reporting requirements so much easier in the future.
7. All budget entries for supplies ($300 and $3.500 = $3,800) must be placed together under the supplies object class category.
8. The Project Narrative Statement looks fine.

I should have a review of the technical advisor's SOW for you next week. Any questions, please call.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Patrick Nicholson <elgaucho@laplaza.org>

Patrick Nicholson
<elgaucho@laplaza.org
>
07/18/2005 02:44 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: RCRC grant review

Hi Beverly,

I hope you enjoyed you're vacation. Plz see the attached documents for your review. It would be terrific,

if your time allows, for you to review the documents asap. We will then made any revisions and hopefully mail the grant application this week.

Thx. again.

Patrick

505.751.3063 RCRC renewal grant application.rtf Attachment 3 - Budget.doc PC SOW - draft.doc

No virus found in this outgoing message.
Checked by AVG Anti-Virus.
Version: 7.0.323 / Virus Database: 267.9.0/50 - Release Date: 7/16/2005

# Technical Assistance Grant

*Project Narrative Statement*

**Section 1. Group Qualifications**

**A. Group Eligibility**

1. **Do any of the following categories apply to your group?** No.
   - No group members are potentially responsible parties (PRPs).
   - The group was not established by nor does it represent a PRP.
   - No group member has any financial involvement in a PRP (other than as an employee or contractor). The group was/is not sustained by a PRP.
   - The group does not receive money or services from a PRP.

2. **Was your group established, or is it sustained, by an "ineligible entity".** No.

3. **How many members are in your group?** 18

4. **Is your group incorporated (or planning to incorporate) as a non-profit organization for the specific purpose of representing affected individuals at the site?** Yes. Rio Colorado Reclamation Committee was incorporated in June of 2002.

   **Explain how your group was formed and the history of your group's involvement at the site.**

   The group was formed by concerned citizens who live, work, or own property in the Questa-Red River area and who are concerned that the Molycorp mine is having a deleterious effect on human and animal health, water quality, soils, and quality of life in the area adjacent to and downstream from the mine. For the past three years, the group, Rio Colorado Reclamation Committee (RCRC), has administered a Technical Assistance Grant (TAG) designed specifically to assist the public in interpreting technical information generated during the EPA RI/FS investigative process at the Molycorp mine site and surrounding areas.

**B. Responsibility Requirements**

1. **Administrative and Management Capabilities**
   *In the space below, please briefly describe the organizational structure of your group and the roles and responsibilities of members, particularly members who will be responsible for financial management of the grant and directing the activities of the contractor.*

   The RCRC consists of a Board of Directors headed by a President. Other members of the group attend meetings and may vote on matters at Board meetings. The Board will make administrative and financial decisions at meetings regarding the TAG. Once a Technical Advisor (TA) is again under contract through TAG funds, the Board will oversee the work of the TA, authorize work tasks and travel, and plan future activities with the TA. The Vice President/Program Director will be the authorized signatory for all TAG activities, including the contract with the TA, invoice checks, and official correspondence with EPA, Region 6. The President will have TAG signatory authority in the Vice President/Program Director absence or as designated by the Board. The President and Vice President will be elected from the Board of Directors.

2. **Resources for Project Completion**

*What resources are available to your group to help complete the TAG Project? (Include any plans that your group has for in-kind contributions or for fund-raising and obtaining cash.)*

The RCRC will use office space and equipment, such as computers, printers, and fax machines, provided by various Board members to conduct its routine business. The RCRC does not assess dues, but it may solicit donations to help defray some administrative costs. The in-kind requirement of the TAG will be meet through contributions of time from Board members for planning activities, managing the technical advisor, website maintenance, preparing, writing, editing, and distributing the newsletter, as well as donated meeting space, and the use of office equipment.

**3. Performance Record**

*Please describe your group's past performance with satisfactorily completing projects and contracts (If your group has no past experience, EPA will evaluate the description, budget, and schedule you provide in Section 2 of this application.)*

The RCRC has successfully administered and implemented a TAG including TA and Grant Administrator contracts over the past three years. Organizational capacity to manage contracts and grants has been strengthened, as has the group's ability to continue to meet the guidelines and requirements of an EPA TAG.

**4. Accounting and Auditing Procedures:**

*What procedures does your group plan to use for recordkeeping and financial accountability related to the grant? Please identify the member of your group who will maintain your financial records.*

The Treasurer of the RCRC will oversee all finances. A separate bank account and general ledger will be maintained for the sole management of the TAG. RCRC will contract out the monthly grant financial administration and overall grant administration to a qualified professional who will serve as the Grant Administrator (GA). The Board of Directors of RCRC will review and approve (or disapprove) quarterly financial reports and other necessary reporting documents produced by the GA. The RCRC will also hire a CPA to audit grant expenditures and provide a report to the EPA on the financial status of the TAG at closeout.

**5. Incorporation**

*Is your group incorporated specifically for the purpose of addressing problems at this site? (yes/no) If not, what steps is your group taking to incorporate for grant-related purposes?*

Yes. . Rio Colorado Reclamation Committee was incorporated in June of 2002.

**6. Certifications**

*Attach copies of completed "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" (EPA Form 5700-49), Preaward Compliance Review Report for Applicants Requesting Federal Financial Assistance" (Form 4700-4), and Certification Regarding Lobbying" to this Project Narrative Statement.*

**C. Group Issues and Objectives**

1. **How many members of your group are affected by the site?** All

2. **Health, Economic, and Environmental Effects**

*Describe the ways in which group members and those they represent are affected by contamination at the site, including actual or potential health threats posed to and economic and environmental effects felt by them.*

Studies are underway to determine health effects from the Molycorp mine on the local population. Several group members report concerns with water quality in the Red River and contamination in drinking water wells adjacent to the mine. Potential COCs from the mine include molybdenum, beryllium, aluminum, cadmium, manganese, iron, fluoride, lead, zinc, TDS, sulfate, and low pH water. The following contaminants have been documented as being present at unsafe levels in one or more local drinking water wells: aluminum, beryllium, cadmium, iron, manganese, fluoride, and sulfates. Many local residents report chronic stomach problems, non-alcoholic cirrhosis of the liver, respiratory problems, Alzheimer's disease, fatigue, memory loss, loss of appetite, and other symptoms that may or may not be caused by drinking contaminated water or from exposure to contaminants in the soil or air. Several group members have been diagnosed with heavy metals poisoning, for which they attribute exposure to contamination from the mine site as a contributing factor.

The loss of a Blue Ribbon trout fishery in the Red River has had severe economic impacts on Questa and other local communities. Significant numbers of tourists used to stay in Questa and fish the Red River and engage in other recreational activities. Now that the Molycorp mine has destroyed the fishery, local residents have lost potentially large revenues from tourists.

Environmental impacts from the Molycorp mine are believed to be significant. However, lack of cooperation on the part of the mine and a lack of hard data have made an accurate assessment of these impacts difficult. The mine clearly has impacts on the Red River. In addition, a large subsidence area on the mine will cause long-term site access problems, groundwater contamination, and safety concerns. The mine has a long history of air and water pollution in addition to tailing spills that have severely impacted *acequias* and arable land, thus resulting in a loss of income and added expenses to property owners. Some property owners along the Red River have had to haul in drinking water due to contaminated wells. Business opportunities and property values have been directly impacted by the environmental degradation of the community. Some group members whose wells have been contaminated have been forced to stop renting their properties, resulting in economic losses. Other members can no longer safely grow organic vegetables, another source of income. Other long-term concerns include the instability of large waste rock dumps hanging on steep slopes above the Red River and the highway.

3. **Consolidation/Representation**

*Describe the number and diversity of affected community organizations and individuals represented by your group, highlighting the ways in which your group represents individuals affected by the site.*

The Rio Colorado Reclamation Committee has members from the Questa community, Cerro Neighborhood Association, and property owners who own land on or adjacent to the Red River downstream from the Molycorp mine.

The group has members whose domestic water wells have been sampled and found to contain elevated levels of molybdenum, TDS, sulfate, aluminum, beryllium, cadmium, manganese, iron, and fluoride. These potentially dangerous constituents of concern are thought to have leached from the Molycorp mine dumps and tailing ponds.
The RCRC has contacted members of the Cerro Neighborhood Association who have concerns about the large tailings pond south of their community. Members of the Red River Restoration Group and Questa Safe Environment will also be involved with the RCRC.

Some members of the group are fishermen who are interested in seeing the Red River returned to its pre-mining condition as a Blue Ribbon trout fishery. The group also represents farmers who, like generations before them, use local *acequias* to irrigate their fields. Others own businesses aimed at the tourist trade, which has been damaged by the collapse of the Red River as a prize trout fishery and by the dramatic eyesore created by the mine along Highway 38. Members with contaminated wells can no longer rent their properties to vacationers, at times a source of income for generations. Several members of the group own property in Questa or along the Red River that has been in the family for generations.

**Section 2. Information Sharing**

**A. How does your group intend to share information collected with grant funds with the larger community?**

To keep community members informed of issues and activities at the Molycorp site, RCRC will continue to write and distribute a quarterly newsletter, "Cuentos del Rio", summarizing information collected by our TA and documenting work done under the RI/FS process. 600 copies of the newsletter will be printed for each issue. Most of these copies will be mailed directly to interested community members and the local press from our updated mailing list. In addition, the group will hold regular public meetings at La Cienega Elementary School in Questa to share information from the TA and others with the public. The RCRC web site www.rcrc.nm.org will also share information generated by the TA and other relevant parties. The web site is a terrific community resource containing general and detailed information about the mine site and the RI/FS process and providing a glossary of terms for the lay citizenry.

Other venues for information dissemination include local newspapers in Taos and Santa Fe, the Albuquerque news media, and public radio in Taos and Alamosa, Colorado that reaches the Questa area. Members of the Red River Restoration Group and the Questa

Safe Environment Group will also be involved with the RCRC. Information will also be shared and regular dialog maintained with elected Village, County, and State officials.

## Section 3. Technical Advisor Work Plan

### A. Statement of Work

*Please identify the technical advisor(s)' tasks for each phase of the Superfund process. For each of these phases, please note what the technical advisor will do, the estimated amount of time needed to complete each task, and specific documents, reports, or other tangible work products you expect the technical advisor to produce.*

This grant period, the RCRC is requesting the services of a Program Coordinator to manage community outreach efforts and program activities. This position will enable RCRC to greatly expand upon and deepen its current outreach activities.

See attached Statements of Work (Attachments 1 & 2).

## Section 4. Project Budget

### A. Project Budget

*In this section, describe all the costs involved in your TAG Project. Summarize costs by type of activity and indicate whether these funds will come from tour TAG (federal) or the group's matching contribution.*

See attached Project Budget (Attachment 3).

## Attachment 3

## Budget for Rio Colorado Reclamation Committee TAG
## October 2005 - September 2008

| I. Federal Share | Year 1 | Year 2 | Year 3 | Total |
|---|---|---|---|---|
| Technical Advisor | | | | |
| Labor | $16,500 | $16,500 | $12,000 | $45,000 |
| Travel | $ 3,500 | $ 3,500 | $ 3,000 | $10,000 |
| Sub-total | $20,000 | $20,000 | $15,000 | $55,000 |
| Program Coordinator | | | | |
| Labor | $ 9,000 | $ 9,000 | $ 9,000 | $27,000 |
| Travel | $ 2,000 | $ 2,000 | $ 1,000 | $ 5,000 |
| Sub-total | $11,000 | $11,000 | $10,000 | $32,000 |
| Grant Administrator | | | | |
| Labor | $ 2,400 | $ 2,400 | $ 2,400 | $ 7,200 |
| Supplies | $ 100 | $ 100 | $ 100 | $ 300 |
| Sub-total | $ 2,500 | $ 2,500 | $ 2,500 | $ 7,500 |
| Supplies | $ 1,200 | $ 1,200 | $ 1,100 | $ 3,500 |
| Other | $ 500 | $ 500 | $ 1,000 | $ 2,000 |
| **Total Federal Share** | **$35,200** | **$35,200** | **$29,600** | **$100,000** |
| **II. Matching Share** | | | | |
| Board Member Time | | | | |
| Board of Directors' Meetings | $ 2,700 | $ 2,700 | $ 2,700 | $ 8,100 |
| Administration and Management | $ 3,900 | $ 3,900 | $ 3,900 | $11,700 |
| Other Tasks | $ 1,200 | $ 1,200 | $ 1,200 | $ 3,600 |
| Sub-total | $ 7,800 | $ 7,800 | $ 7,800 | $23,400 |
| Meeting Space | $ 300 | $ 300 | $ 300 | $ 900 |
| Office Equipment | $ 600 | $ 600 | $ 600 | $ 1,800 |

| | | | | |
|---|---|---|---|---|
| **Total Matching Share** | **$ 8,700** | **$ 8,700** | **$ 8,700** | **$26,100** |
| **Total Budget** | **$43,900** | **$43,900** | **$38,300** | **$126,100** |

**Notes:**

Technical Advisor is paid $50/hr; the Program Coordinator and Grant Administration $20/hr.

Travel costs include mileage, lodging, and per diem established by the current Federal Reimbursement Rate.

Supplies include newsletter printing and mailing expenses and any office supplies.

Other costs include bank, registration, and rental fees, and the one time audit fee at close-out of approximately $500, as well as any advertising, phone, and miscellaneous expenses.

Board members' time is valued at $25/hr. It is estimated that an average of six Board members will attend six Board meetings a year for three years and each meeting will last three hours.

The Board Treasure position is estimated to require five hours a month. The Program Director's duties are expected to require eight hours per month.

Other Board members tasks include web site maintenance and newsletter writing, editing, and distribution as well as any other planning and coordination tasks.

It is estimated that Board meeting will occur at least six times a year and meeting space will be donated at $50 per use. Office equipment is donated at $50 per month for the three-year budget period.

**Statement of Work – Program Coordinator**

**Rio Colorado Reclamation Committee**

The following tasks have been identified for the Program Coordinator for the Rio Colorado Reclamation Committee. This scope of work is expected to cover a 3 year period from XXXXXXX. A narrative description of each task follows.

**Task 1:** Organize at least 2 community meetings a year. This involves locating and reserving location for meetings, posting notice of meeting in the newspaper, creating and posting flyers, coordinating with board members other public notification efforts, drafting agenda for meeting, preparing sign-in sheets, communicating with board members and the Technical Advisor about the agenda, helping to facilitate meetings, and coordinating minute taking.

**Timeframe:** Community meetings will be at least 2 times a year. The Program Coordinator (PC) is expected to spend **10%** of their time this task **(5% administrative 5% non administrative)**

**Deliverables:** The PC will save a copy of the meeting flyers, agenda, copies of the newspaper announcements, minutes of the meetings and a copy of the sign in sheets. These items will be delivered to the Grant Administrator to be included in a quarterly reports.

**Task 2:** Faciliate community outreach efforts by identifying and implementing the best methods for encouraging community involvement (tabling, house visits, phone conversations, local media, local events. etc). The PC will summarize these efforts and what has been learned to the board and the TA, This will help RCRC identify and address concerns and questions the community has about the impacts from the Superfund site. The PC will also assist the TA with desiminating information that the TA gathers and interprets out to the public at large.

**Timeframe:** This will be an ongoing task. The PC will spend **25%** of their time on this task. **(All non-administrative)**

**Deliverables:** The PC will summarize work accomplished to the board at monthly board meetings.

**Task 3:** Organize monthly or bi-monthly board meetings. This involves emailing and calling to coordinate a date, location and agenda for the meetings, and attending such meetings when requested by the board.

**Timeframe:** Board meetings are expected to held once a month or once every two months depending on the season and the availability of the board. The PC is expected to spend **15%** of their time on this task. **(All administrative)**

**Deliverables:** Board meetings will be organized in a timely fashion.

**Task 4:** Organize the production of RCRC newsletters. This involves communicating with the board about topics for the newsletter (that is site specific to Molycorp), writing articles, following up with the person assigned to write each article, helping to edit the articles and getting final articles to the proper board member for final newsletter formatting.

**Timeframe:** Four newsletter will be produced a year. The PC is expected to spend **15%** of their time on this task. **(All non-administrative)**

**Deliverables:** Four newsletters will be produced and copy will be sent to the GA to be included in the organization's quarterly reports to the EPA.

**Task 5:** Assist the Program Director and or other board members with current projects, , communication between board members and administrative duties. Assist with letter writing, drafting of press releases, organization of files, tracking the TA's work by reviewing TA's reports and correspondence, and communicating with the GA about status of TAG deliverables.

**Timeframe:** The PC is expected to spend **35%** of their time on this task. **(10% on administrative and 25% on non-administrative)**

**Deliverables:** Short written summaries of work done (i.e. who the PC communicated with, letters drafted, issues encountered) to assist with the drafting of the quarterly report.

**Note:** Copies of all deliverables shall be provided to the EPA TAG Coordinator.

Beverly Negri/R6/USEPA/US
07/22/2005 12:13 PM

To Patrick Nicholson <elgaucho@laplaza.org>
cc Zana Halliday/R6/USEPA/US@EPA
bcc
Subject Re: RCRC Grant Application for Molycorp

Sorry it has taken me so long to respond but Congress is back in session and they seem to be a little demanding on several issues and want immediate answers. I've been very impacted by "need it now" issues. My answers are in blue below the questions....

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Patrick Nicholson <elgaucho@laplaza.org>

Patrick Nicholson <elgaucho@laplaza.org>
07/12/2005 10:29 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Re: RCRC Grant Application

Good Morning Beverly,

Great to see you again a few weeks back in Questa. The community mtg. seemed to go well.

I have a few short questions as I prepare the new grant application.

1. What's the most current federal mileage reimbursement rate?
37.5 cents per mile

2. For SF424A "Budget Information" I believe only section B is to be completed as this is considered a small grant application, correct?
correct

3. Would you plz. review and comment on the attached draft Statement of Work for the TA?
Both Mark and I will review this statement of work and get back to you ASAP when we have completed the review.

4. Again is this application considered a "continuation" or new grant?
While it is considered a continuation - we'll use the funds left form the original grant and add it to the new budget, all new paperwork is required.

5. Finally, for any funds that remain in the current grant, is it a relatively simple matter to reallocate funds into another budget category, i.e. $2,000 from contractual to supplies? This will determine how we propose and prepare the new budget.
A new grant has a new budget. Don't worry where funds are currently allocated.

As we discussed, when I finish the draft project narrative I'd like to fwd. them on as well for your review.

Thx. again for your assistance.

Patrick Nicholson
505.751.3063

Ken's SOW draft.doc

No virus found in this outgoing message.
Checked by AVG Anti-Virus.
Version: 7.0.323 / Virus Database: 267.8.12/46 - Release Date: 7/11/2005

6-24 Patrick Nicholson 505-751-3063
TAG Renewal

- wanted to have 2-yr budget; recommended 3 yrs
- Prog Coor. - don't let them participate in role of writing grant; will do community outreach - not administration
  do clear time sheet showing work
  can't be on board; full/open competition if a contract
- McKinney can't carry over
- Board has changed new key contact list will be sent in new grant

Bobby McGill 505-758-2241 ext 120

Rio Colorado
Reclamation Committee

RECEIVED
EPA REGION VI

05 JUN -7 PM 3:23

PROGRAMS MGMT BRANCH

May 3, 2005

Beverly Negri
Superfund Community Involvement
Technical Assistance grants project Officer
United states Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: Rio Colorado Reclamation Committee
Technical Assistance Grant # 98687101-0
Attendance at FM(E)A Meetings

Dear Ms. Negri (Beverly?):

Please excuse our delay in responding to you concerning Ken Klco's participation in the FMEA process on behalf of the RCRC. This past quarter has been extremely difficult personally for most Board members, and we did not want to respond lightly to a matter which all parties involved feel to be of critical importance..

After meeting and much discussion with Board members, general RCRC members and other stakeholders, it has been decided that Ken Klco, as Technical Advisor for the RCRC, will participate in all Failure Mechanism Evaluation Analysis meetings for the purpose of reviewing technical information presented at these meetings for relevance to the EPA's ongoing RI/FS, and any future EPA decision making under CERCLA, concerning the Molycorp Questa site. As with all other CERCLA matters Ken handles at the direction of the RCRC, he will send to your office short summary letters commenting on how the issues discussed at these meetings relate to the on-going RI/FS process.

Sincerely,

Rachel – Rachel Conn

Rachel Conn

**Beverly Negri**

05/26/2005 06:49 AM

To: Rachel Conn <rconn@amigosbravos.org>
cc: Brooke Tatum <btatum@laplaza.org>, Darlene Coulson/R6/USEPA/US@EPA, Hope Buechler <hopesmail@zianet.com>, Mark Purcell/R6/USEPA/US@EPA, Karen
cc: Beverly Negri/R6/USEPA/US@EPA, Karen Douglas <minniemoomoo@comcast.net>, rconn@amigosbravos.com, Hope Buechler <hopesmail@zianet.com>, Brooke Tatum
Subject: Re: Correct version of FMEA letter re; TAG #1-98687101-0

Thank you for the corrected letter.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rconn@amigosbravos.org>

**Rachel Conn <rconn@amigosbravos.org>**

05/25/2005 11:41 AM

To: Beverly Negri/R6/USEPA/US@EPA, Karen Douglas <minniemoomoo@comcast.net>
cc: rconn@amigosbravos.com, Hope Buechler <hopesmail@zianet.com>, Brooke Tatum <btatum@laplaza.org>, Zana Halliday/R6/USEPA/US@EPA, Darlene Coulson/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: Re: Correct version of FMEA letter re; TAG #1-98687101-0

Beverly,

Here is the letter with my signature. I will send a hard copy on RCRC letterhead by snail mail as well.

-Rachel

Karen,
>
> n addition to your electronic copy of the letter, I received the hard
> copy letter this morning. Unfortunately, you are not authorized to sign
> letters for RCRC that change the scope of the technical advisor's work
> or deliverables. The only two authorized signatories for the TAG Award
> are Rachel Conn or Roberto Vigil. Please redo the letter and ask
> Roberto or Rachel to sign it. I will accept another electronic letter
> with the appropriate signature. Please ensure that Ken does not charge
> any FMEA meeting expenses to the TAG until the correctly signed letter
> has been resent to me.
>
> I appreciate your understanding of the situation.
>
> Beverly Negri
> Superfund Community Involvement
> Technical Assistance Grants Project Officer
> 214.665.8157 or 1-800-533-3508 (Toll Free)
> negri.beverly@epa.gov
>
>
>

May 3, 2005

Beverly Negri
Superfund Community Involvement
Technical Assistance grants project Officer
United states Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: Rio Colorado Reclamation Committee
Technical Assistance Grant # 98687101-0
Attendance at FM(E)A Meetings

Dear Ms. Negri (Beverly?):

Please excuse our delay in responding to you concerning Ken Kclo's participation in the FMEA process on behalf of the RCRC. This past quarter has been extremely difficult personally for most Board members, and we did not want to respond lightly to a matter which all parties involved feel to be of critical importance..

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Sincerely,

Rachel

Rachel Conn

Rachel Conn
<rconn@amigosbravos.org>

05/25/2005 11:41 AM

To: Beverly Negri/R6/USEPA/US@EPA, Karen Douglas <minniemoomoo@comcast.net>
cc: rconn@amigosbravos.com, Hope Buechler <hopesmail@zianet.com>, Brooke Tatum <btatum@laplaza.org>, Zana Halliday/R6/USEPA/US@EPA, Darlene Coulson/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: Re: Correct version of FMEA letter re; TAG #1-98687101-0

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-Rachel

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> Beverly Negri
> Superfund Community Involvement
> Technical Assistance Grants Project Officer
> 214.665.8157 or 1-800-533-3508 (Toll Free)
> negri.beverly@epa.gov
>
>
>
>
> minniemoomoo@comc
> ast.net To: Beverly
> Negri/R6/USEPA/US@EPA
> cc:
> 05/10/2005 01:42 Subject: Correct version of
FMEA
> letter
> PM
>
>
>
>
>
> Dear Beverly,
>
> I accidently sent you the rough draft of RCRC's letter to you concerning
> Ken Klco's attendance at FMEA meetings. Attached is the correct one, on
> official letterhead, exactly as mailed to you via US mail.
>
> Please excuse the mistake.

>
> Karen
> (See attached file: Letter-to-Beverly-Negri-re-FMEA-05-07-05l.pdf)

Rachel Conn
Amigos Bravos: Friends of the Wild Rivers
P.O. Box 238, Taos, NM 87571
505-758-3874 ph.  505-758-7345 fax
www.amigosbravos.org
rconn@amigosbravos.org

05-03-05R FMA.doc

**Beverly Negri**

05/25/2005 08:12 AM

To: rconn@amigosbravos.org,
cc: Mark Purcell/R6/USEPA/US, Darlene Coulson/R6/USEPA/US, azurite@amigo.net, btatum@laplaza.org, douglas@nm.net, elgaucho@laplaza.org, herrera02@kitcarson.net,
cc:
Subject: TAG # 1-98687101-0, Molycorp - TAG Award changes

Rachel,

I am enclosing my electronic response to your April 25 letter asking for a budget and Statement of Work change for the Molycorp TAG. This morning I mailed you and Roberto a hard copy of the letter and enclosed a new grant application package. As I mention in my letter, the changes you requested require a formal grant amendment. Please let me know how I can help RCRC in completing the new application or, if RCRC decides to ask for the no-cost time extension amendment, please let me know also. Thank you.

Red River.doc

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

May 25, 2005

Rio Colorado Reclamation Committee
Ms. Rachael Conn
P.O. Box 637
Questa, New Mexico 87556

RE: Technical Assistance Grant #1-98687101-0
April 25, 2005 Letter

Dear Ms. Conn:

In your letter, you indicate that the Rio Colorado Reclamation Committee (RCRC) is requesting several budget modifications and a change to the U.S. Environmental Protection Agency (EPA) October 1, 2002 Technical Assistance Grant (TAG) Award. The requested budget changes are more than 20% of the original budget and of the remaining $16,388.38 funds left in the grant. In addition, the request to add a Program Coordinator changes the original TAG application package. As a result of these two major changes, a formal grant amendment to the original TAG will be required.

Before a formal amendment can be made, RCRC must submit to EPA a new Statement of Work along with a revised budget for the $16,388,38. At this time due to fiscal year-end grant awarding timelines, awarding a new TAG amendment will result in several months of processing time. An amendment may be completed and awarded by August 2005. Unless RCRC does not intend to apply for additional TAG funds, I do not believe processing this requested amendment is the best interests of RCRC.

As the RCRC TAG budget and project period end on September 30, 2005, I recommend that RCRC submit to EPA a complete new application package. RCRC can modify the original TAG Statement of Work, create a new budget with modifications to all of the pertinent object class budget categories, including changes to the in-kind match placement, and include funds for a Program Coordinator in the personnel object class budget category and Statement of Work. A new TAG with an increased budget of up to $70,000, including the $16,388.38 funds from the original TAG, would allow RCRC to write a new comprehensive Statement of Work.

I am enclosing an application package. If I can be of assistance or you have any questions, please contact me at 214.665.8157 or 1.800.533.5308 (toll-free).

Sincerely yours,

Beverly Negri

Beverly Negri
TAG Project Officer

Enclosure – TAG application package

cc: Roberto Vigil
Mark Purcell electronic

bcc: Darlene Coulson } electronic
TAG File

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

April 25, 2005

Beverly Negri
Zana Halliday
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

Dear Beverly & Zana,

RCRC would like to revise its contract budget and make minor changes and reallocations of specific budget line items. Please see the enclosed signed contract amendment for our Technical Advisor, Ken Klco. We propose to reallocate $3,600 from his contract and apply $1,600 to supplies and $2,000 toward the new position of Program Coordinator. Please see the enclosed Scope of Work for the newly created position.

creation
change
scope
of grant

In addition, we would also like to adjust our In-Kind contribution to reflect all $12,500 in required match as coming from the personnel/contractual line item. Currently, only $9,850 is allocated from this category, with the remainder coming from "other" i.e. donated meeting space.

We hope these changes will clarify our budget status and prevent RCRC from overspending in any one budgetary category.

If any questions should occur regarding the proposed budget adjustments or for any other matter, please do not hesitate to contact us.

Thank you for your patience and support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

3,600

Enc.

4097.09
16,388.38

22%

53611.62

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

Rio Colorado
Reclamation Committee

April 25, 2005

Ken Klco
Azurite, Inc.
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223

Re: Contract Revision

Dear Mr. Klco,

Per our recent discussions, your contract with the Rio Colorado Reclamation Committee (RCRC) is to be revised. The contract is being reduced by $3,600 (72 hours) and other hours reassigned to various tasks as indicated below.

Task 1: Reviewing documents related to the Remedial Investigation
Previous amount in the contract: 340 hours
Revised amount: 370 hours

Task 2: Attend Meeting
Previous amount in the contract: 190 hours
Revised amount: 190 hours

Task 3: Reviewing documents related to the Feasibility Study
Previous amount in the contract: 120 hours
Revised amount: 8 hours

Task 4: USGS related work
Previous amount in the contract: 50 hours
Revised amount: 90 hours

Task 5: Review the draft and final Record of Decision
Previous amount in the contract: 40 hours
Revised amount: 10 hours

Travel expenses will remain unchanged.
Previous amount in the contract: $6,000
Revised amount: $6,000

Please indicate your acceptance of the contract revisions by signing below.

Rachel Conn
Vice-President/Program Director

Ken Klco
Technical Advisor

**Statement of Work – Program Coordinator**

**Rio Colorado Reclamation Committee**

The following tasks have been identified for the Program Coordinator for the Rio Colorado Reclamation Committee. This scope of work is expected to cover a 3 month period, July 2005 – September 2005. A narrative description of each task follows.

**Task 1:** Organize two community meetings. This involves locating and reserving location for meetings, posting notice of meeting in the newspaper, creating and posting flyers, coordinating with board members other public notification efforts, drafting agenda for meeting, preparing sign-in sheets, communicating with board members and the Technical Advisor about the agenda, helping to facilitate meetings, and coordinating minute taking.

**Timeframe:** Two community meetings will be organized over the three month period July – September 2005. The Program Coordinator (PC) is expected to spend 20 hours on this task

**Deliverables:** The PC will save a copy of the meeting flyers, copies of the newspaper announcements, minutes of the meetings and a copy of the sign in sheets. These items will be delivered to the Grant Administrator to be included in a quarterly report.

**Task 2:** Organize monthly or bi-monthly board meetings. This involves emailing and calling to coordinate a date, location and agenda for the meetings, and attending such meetings when requested by the board.

**Timeframe:** Board meetings are expected to held once a month or once every two months depending on the season and the availability of the board. The PC is expected to spend an 20 hours on this task.

**Deliverables:** Board meetings will be organized in a timely fashion.

**Task 3:** Organize the production of two newsletters. This involves communicating with the board about topics for the newsletter, following up with the person assigned to write each article, helping to edit the articles and getting final articles to the proper board member for final newsletter formatting.

**Timeframe:** Two newsletters will be produced over the 3 month period – one in July and one at the end of September. The PC is expected to spend 15 hours on this task.

**Deliverables:** Two newsletters will be produced and copy will be sent to the GA to be included in the organization's quarterly reports to the EPA.

**Task 4:** Help the Grant Administrator and the Program Director organize all files and records and help draft the final grant report.

**Timeframe:** The PC is expected to spend 20 hours on this task.

**Deliverables:** A final grant report.

**Task 5:** Assist the Program Director and or other board members with current projects and tasks. Assist with letter writing, drafting of press releases, tracking the TA's work by reviewing TA's reports and correspondence, and communicating with the GA about status of TAG deliverables.

**Timeframe:** This is an on-going task. The PC is expected to spend 25 hours on this task.

**Deliverables:** Short written summaries of work done (i.e. who the PC communicated with, letters drafted, issues encountered) to assist with the drafting of the quarterly report.

Molycorp

**Beverly Negri**

05/23/2005 03:22 PM

To: minniemoomoo@comcast.net
cc: rconn@amigosbravos.com, hopesmail@zianet.com, btatum@laplaza.org, Zana Halliday/R6/USEPA/US, Darlene Coulson/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: Correct version of FMEA letter

Karen,

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I appreciate your understanding of the situation.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

minniemoomoo@comcast.net

**minniemoomoo@comcast.net**

05/10/2005 01:42 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Correct version of FMEA letter

Dear Beverly,

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Please excuse the mistake.

Karen

Letter-to-Beverly-Negri-re-FMEA-05-07-05l.pdf

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the
Molycorp mine and the restoration of the Red River in Northern New Mexico

RECEIVED
EPA REGION VI
05 MAY 16 AM 6:12
PROGRAMS MGMT BRANCH

May 7, 2005

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: Rio Colorado Reclamation Committee
Technical Assistance Grant # 98687101-0
Attendance at FMEA Meetings

Dear Ms. Negri:

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Sincerely,

Karen Ross Douglas

Karen Douglas
On Behalf of the Board of Directors of the RCRC

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

Rio Colorado Reclamation Committee
~~Technical Assistance~~
P.O. Box 637
Questa, New Mexico 87556

ALBUQUERQUE NM
PM
05 MAY
2005

RECEIVED
EPA REGION VI
12 PM 5:22
PROGRAMS MGMT BRANCH

Beverly Negri
United States EPA
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

75202+2733

molycorp

Beverly Negri

02/01/2005 01:56 PM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: A description of the TAG process for the $50 000 and additional amounts beyond that if applied for by a TAG group

TAG Rule

Section 35.4060 - How much money can my group receive thorough a TAG?
If your group is...
(a) the first recipient of a TAG at a site or subsequent recipient at a site where the initial recipient spent the entire award amount;
Then your initial award will not exceed $50,000 per site.

Section 35.4065 - How can my group get more than $50,000?
(1)The EPA regional office award official for your grant may waive your group's $50,000 limit if your group demonstrates that:
(...group received previous TAG funds, ... managed those funds effectively; and
(2) Site(s) characteristics indicate additional funds are necessary due to the nature of volume of site-related information. In this case, three of the ten factors below must occur: (*I've listed only the 6 pertinent characteristics.)*
(i) a RI/FS costing more than $2,000,000 is performed;
(ii) Treatability studies or evaluation of new and innovative technologies are required as specified in the Record of Decision;
(iv) The site public health assessment (or related activities) indicates the need for further health investigations and/or health promotions activities;
(viii) EPA expects a cleanup lasting more than 8 years from the beginning of the RI/FS through construction completion:
(ix) significant public concern exists, where large groups of people in the community require many meetings, copies, etc.;
(x) Any other factor that, in EPA's judgement, indicates that the site is unusually complex.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

**FACSIMILE TRANSMITTAL**

**U.S. EPA REGION 6**
**SUPERFUND DIVISION**
**1445 ROSS AVENUE**
**DALLAS, TEXAS 75202-2733**

| | |
|---|---|
| **TO:** Anedia Feaster, Las Vegas Financial Center | |
| **MACHINE NUMBER:** 702-798-2423 | **VERIFICATION NUMBER:** (702)798-2411 |
| **FROM:** Beverly Negri, TAG Project Officer | |
| **PHONE:** 214-665-8157 | **MAIL CODE:** 6SF-PO |
| **OFFICE:** US EPA, Region 6, Dallas, TX | |
| **DATE:** 5/3/05 | **PAGES, INCLUDING COVER SHEET:** 3 |
| **PLEASE NUMBER ALL PAGES** | |
| **INFORMATION FOR SENDING FACSIMILE MESSAGES** | |
| **OUR EQUIPMENT** | **FACSIMILE NUMBER** |
| **PANAFAX UF-766** | **(214) 665-6660** |

Reimbursement Request for: Rio Colorado Reclamation Committee

Grant No. 1-98687101-0

Anedia - Rachel forgot to sign the EPA form 190-F-04-001. She did sign the back-up document. Can you go on & process?
5-3 Anedia said she can't accept Beverly

Copies to:

230 705-751-3063 3 pages
Patrick
I instructed Patrick to complete form 190-F-04-001 and fax it to Las Vegas.

Send this completed form to the Technical Assistance Grant Project Officer in EPA Region 6, with backup documents attached. Region 6 will forward the form to the Las Vegas Finance Center after payment approval.

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Ctr. Contact Person: Patrick Nicholson
Fax #: 505-758-8626 Phone Number: 505-751-3063
*E-Mail Address:* elgaucho@laplaza.org

| EFT # | Request # #13 | 20% Match/In-kind Amount (recipient provides information to EPA Region 6) $ |
|---|---|---|

| Assistance Agreement | Account No./Activity Code (Superfund Site Specific) | $ Amount | Mark (X) if Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | | $ 640.00 | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | Total Amount Requested $ | 640.00 | | |

I certify to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

Approvals: _____ Date Approved 5-3-05 $ 640.00
Recipient Approving Official's Signature
EPA Approved Amount
For EPA Use Only

_____ Date Approved _____
EPA Certifying Officer Approval

EPA 190-F-04-001

# Invoice for Services

April 29, 2005

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
December 16, 2004 thru April 30, 2005.

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 12/16/04 | Reimbursement request | 1.0 | $10 | $20 |
| 12/17/04 | Back-up documentation request | 1.0 | $20 | $20 |
| 12/23/04 | Completed SF 269A | 0.5 | $20 | $10 |
| 1/19/05 | Quarterly report prep. | 1.5 | $20 | $30 |
| 2/15/05 | Contract renewal, budget discussions, financial documents preparation | 2.5 | $20 | $50 |
| 2/17/05 | Administrative and financial tasks | 2.5 | $20 | $50 |
| 2/21/05 | Quarterly report preparation, document review, budget analysis and report, and Board Mtg. | 8.0 | $20 | $160 |
| 2/22/05 | Administrative tasks | 1.0 | $20 | $20 |
| 2/26/05 | Review grant renewal application | 1.0 | $20 | $20 |
| 3/21/05 | Organizational discussion, document delivery | 0.5 | $20 | $10 |
| 4/7/05 | Quarterly report preparation | 1.0 | $20 | $20 |
| 4/11/05 | Board of Directors meeting, T.A. contract revision | 6.0 | $20 | $120 |
| 4/25/05 | Budget revisions, administrative tasks, Quarterly Report preparation | 5.5 | $20 | $110 |
| Total | | 32.0 | $20 | $640 |
| **Invoice Total** | | | | **$640** |

Remit to:
Patrick Nicholson
266 Maria Elena Loop
Taos, NM 87571

approved - Rachel Cor

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

RECEIVED
EPA REGION VI

05 MAY -3 AM 6:35

PROGRAMS MGMT BRANCH

April 26, 2005

Beverly Negri,
6 SF-/PO
US EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri,

Please find enclosed our 1st quarter 2005 progress report and deliverables. The report covers activities from January 1, 2005 through March 31, 2005. Enclosed also is the latest invoice for Grant Administrator, Patrick Nicholson, for your approval and reimbursement. From your letter dated March 7, 2005, we understand that you will forward reimbursement requests directly to the Las Vegas Finance Center for processing. Future reimbursement requests will also be sent to you directly for your approval and forwarding to Las Vegas.

The following are the enclosed documents and deliverables:

- 1st Quarter 2005 Progress Report.
- Follow-up questions documented from February 1, 2005 teleconference call.
- Report on the Technical Advisor's Activities for the 1st Quarter 2005.
- Copies of newspaper articles in which the RCRC organization or members are quoted in the local and regional press coverage on issues related to the MolyCorp mine and its proposed Superfund listing.
- Back-up documentation for EPA Payment Request # 13.

If there are questions regarding the Quarterly Report or on any other matter, please do not hesitate to contact us.

Thank you for all your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

Beverly Negri
04/19/2005 06:00 AM

To: David Douglas <douglas@nm.net>
cc: azurite@amigo.net, btatum@laplaza.org, douglas@nm.net, elgaucho@laplaza.org, herrera02@kitcarson.net, hopesmail@zianet.com, minniemoomoo@comcast.net, rconn@amigosbravos.org, redhow@taosnm.com, tsfish@laplaza.org, Zana Halliday/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA, David Riley/R6/USEPA/US@EPA, Marc Greenberg/ERT/R2/USEPA/US, werdencs@cdm.com
Subject: Re: NMED - EPA Open House/Availability Sessions

David,

Appreciate your assistance. Look forward to seeing you guys in June.

Beverly

David Douglas <douglas@nm.net>

David Douglas <douglas@nm.net>
04/18/2005 06:16 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: douglas@nm.net, rconn@amigosbravos.org, btatum@laplaza.org, minniemoomoo@comcast.net, hopesmail@zianet.com, redhow@taosnm.com, herrera02@kitcarson.net, tsfish@laplaza.org, azurite@amigo.net, elgaucho@laplaza.org
Subject: NMED - EPA Open House/Availability Sessions

Hi Beverly --

I have posted the meeting on the RCRC website. Please let me know if there are any changes.

Thanks.

David

Meeting Announcement=====================================================

In cooperation with NMED, EPA will host two Molycorp Mine Open Houses/Availability Sessions on Tuesday, June 28, noon-2 pm and from 6-8 pm at St. Anthony's Parish Hall. The purpose of the availability sessions is to provide an informal atmosphere for the local community to review and discuss findings of EPA's on-going Remedial Investigation for the site. The two sessions will focus on the soil investigation and ecological/human health risk issues. Preliminary findings will be presented in a poster-session format and representatives of the EPA will be available to answer questions one-on-one with community members who would like information about the soil investigation and the ecological and human health risk issues.

========================================================================

<><><><><><><><><><><><><><><><><><><><><><><>
David Douglas
Rio Colorado Reclamation Committee
Albuquerque: 505.899.0774 Taos: 505.758.3807
rcrc.nm.org
<><><><><><><><><><><><><><><><><><><><><><><>

Beverly Negri

04/18/2005 09:54 AM

To: rconn@amigosbravos.com, hopesmail@zianet.com, elgaucho@laplaza.org, Ken Klco <azurite@amigos.net>, Brooke Tatum <btatum@laplaza.org>

cc: werdencs@cdm.com, Mark Purcell/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA, Mike Reed <mike_reed@nmenv.state.nm.us>, "Wagner, Anne" <awagne@molycorp.com>, Mary McDaniel <mfmcdaniel@mclam.com>, "Cornelia de Bruin" <taostime@taosnet.com>, len.flowers@doh.state.nm.us, Patrick Young/R6/USEPA/US@EPA, Marsha Reddell <redhow@taosnet.com>, arankin@abqjournal.com

Subject: Two Molycorp Site Open House opportunities - June 28 mid-afternoon at 12:00/2:00 PM and early evening at 6:00/8:00 PM at St. Anthony's Parish Center

In cooperation with NMED, EPA will host two Molycorp Mine Open Houses/Availability Sessions on Tuesday, June 28. The purpose of the availability sessions is to provide an informal atmosphere for the local community to review and discuss findings of EPA's on-going Remedial Investigation for the site. The two sessions will focus on the soil investigation and ecological/human health risk issues. Preliminary findings will be presented in a poster-session format and representatives of the EPA will be available to answer questions one-on-one with community members who would like information about the soil investigation and the ecological and human health risk issues.

We hope that the Rio Colorado Reclamation Committee might post this information on their web page to give their audience an advance heads-up about the sessions. Invitations for the Open Houses will be mailed to the community at a later date.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

**Beverly Negri**

03/21/2005 03:12 PM

To: Anedia Feaster/LV/USEPA/US
cc: Zana Halliday/R6/USEPA/US,
cc:
Subject: Technical Assistance Grant #98687101-0

Anedia,

On March 1, 2005, I sent you an electronic copy of a draft letter that I planned to send to the Rio Colorado Reclamation Committee (RCRC). I had requested that you review the last paragraph in the letter for any needed changes. In general the letter explained some past directions I had given to RCRC regarding approval for some technical work completed by their technical advisor before the work occurred. The last paragraph stated that effectively immediately, RCRC was to send all future reimbursement payment requests (with all related back-up documentation) directly to my attention here in the Dallas Office and I would approve payment and then send the reimbursement request on to the Las Vegas Finance Center (LVFC) . I stated that I was asking the LVFC to only honor RCRC payments processed in this manner. I sent the final letter containing these instructions to RCRC on March 7, 2005.

Please do not honor any payment request sent directly to you by RCRC. In the future, I will review their payment reimbursement requests, initial them and forward them on to you via fax for payment. I appreciate your support in this effort. If you have any questions, please call me at 214.665.8157. Thank you.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

March 7, 2005

Rio Colorado Reclamation Committee
Mr. Roberto Vigil, President
P.O. Box 333
Questa, NM 87556

RE: Rio Colorado Reclamation Committee
Technical Assistance Grant #98687101-0

Dear Mr. Vigil:

In the February 11, 2005, Quarterly Progress Report, Rio Colorado Reclamation Committee (RCRC) enclosed a $1,539 invoice from your technical advisor (TA), Azurite, Inc. At this time I am disallowing this cost. In my March 28, 2004 letter and in my January 24, 2005 email to RCRC I stated the following:

> ".... Ken (Klco) is requesting EPA's support of his serving as a RCRC representative by asking that RCRC pay for his technical advisor expenses as a participant in the Failure Mechanism Evaluation Analysis (FMEA) discussions and meetings. If RCRC approves, and is willing to pay the TA salary for this purpose, Mark and I will agree to Ken's involvement as a TA participant in the FMEA meetings for the specific purpose to review and evaluate concerns of the rock piles as a potential source of groundwater contamination. Again, it is important to recognize that the stability concerns of the rock piles fall under the responsibility of State of New Mexico's Mining and Minerals Division and New Mexico Environmental Department, not EPA. If RCRC uses the Superfund Technical Assistance Grant (TAG) funds to pay for Ken's FMEA participation, Ken must provide RCRC, and subsequently EPA, with short summary reports on the FMEA meetings and his evaluation of the rock piles as a source of groundwater contamination. Ken cannot not use TAG funds to review and comment on the stability of the front rock piles, interim or otherwise, and/or public and worker safety. If RCRC wishes Ken to utilize the TAG funds for the review of the rock piles and the groundwater contamination issue, please send me a letter stating that Ken, the RCRC TA, will, if allowed by the involved stakeholders, participate in the FMEA meetings specifically for this purpose."

As of today, I still have not received a letter stating that RCRC is requesting Ken Klco to attend the Failure Mechanism Evaluation Analysis meetings for the purpose of **"reviewing technical information presented at the meeting for relevance to the EPA's ongoing RI/FS, and any future EPA decision making under CERCLA."** The TA's invoice indicates his reviews have no relevance to the EPA's

RI/FS.

Until such time that I receive the letter from RCRC clarifying the above issues, all costs related to your TA's attendance at these meetings will not be paid for with federal funds. It is important that RCRC understands that if Ken does attend the FMEA meetings and elects to serve as a community group representative on matters which are considered outside of the scope of the EPA's RI/FS, and endeavors to work with Molycorp and all other stakeholders and team members in the FMEA process to promote a high level of communication regarding the process and outcome of the FMEA proceedings with the public, (through RCRC community meetings, and Amigos Bravos correspondence, etc.) he must do so with non-TAG funding.

As stated before, the EPA believes that the instability of the mine rock piles is a serious matter and one that presents a potential threat to public health, welfare or the environment. However, the EPA is not the lead agency overseeing the mitigation efforts for the rock piles and such efforts have not been incorporated into the EPA's ongoing RI/FS. The State of New Mexico's Mining and Minerals Division (MMD) is the lead agency. The EPA has participated in a supporting role to MMD by reviewing all technical documents and correspondence related to the Goat Hill North mitigation and work on the other mine rock piles. The EPA has no technical concerns at this time with the work being conducted by Molycorp to mitigate or investigate rock pile instability. The EPA also reviews all other work being undertaken by Molycorp for reclamation and closure of the mine site. Further, the EPA recognizes that all of these ongoing projects, including the rock pile instability study and mitigation, have some relevance, or could potentially have some relevance to the EPA's ongoing RI/FS. Therefore, the EPA continues to encourages Ken to attend the meetings, but requests that adequate documentation of the relevance to the RI/FS be fully documented.

You are instructed to send all future reimbursement payment requests with related backup documentation and TA reports directly to my attention at the Dallas EPA office. I am also requesting that the Las Vegas Finance Center not honor your future payment requests unless they come directly from me. If you have any questions, please call me at 1.800.533.3508 or 214.665.8157.

Sincerely yours,

Beverly Negri
Technical Assistance Grant Project Officer

Enclosure

cc: Rachel Conn
Patrick Nicholson
Mark Purcell
Las Vegas Finance Center

bcc: TAG File
Darlene Coulson (electronic)
Paul Witthoeft (electronic)

**Patrick Nicholson**

98687101-0

COPY

**From:** "Ken Klco" <azurite@amigo.net>
**To:** "Patrick Nicholson" <elgaucho@laplaza.org>
**Cc:** <rachellconn@yahoo.com>
**Sent:** Wednesday, February 09, 2005 10:35 AM
**Subject:** tagnm020705inv


**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178


February 7, 2005

Rio Colorado Reclamation Committee
Patrick Nicolson
Rachel Conn
POBox
Taos, NM

INVOICE FOR SERVICES RENDERED, JANUARY, 2005

January 14th—travel to Red River to attend Stability Review Meeting and mine site tour Jan. 15th.
4 hours @ 50..... $200.00

January 14th—Lodging @ Red River..... $52.00
Meals..... $15.00

January 15th---attend Stability Review Board Meeting at Molycorp mine site, review subsidence issues in relation to rockpile stability and bedrock stability..... 8 hours @ 50..... $400.00

January 15th---mileage Cotopaxi/Red River rt 385 miles @ $0.365..... $135.00

January 20th—attended RCRC board meeting, Taos, NM, 6 hours @ 50..... $300.00
Mileage Cotopaxi/Taos rt 392 miles @ $0.365..... $137.00

January 25th—office hours, review e-mails from MMD re: Norwest subsidence and slope stability evaluation, design changes to Goat Hill North mitigation work, teleconference notes....
.....4 hours @ 50..... $200.00

January 31st---office hours, e-mail correspondence, review notes from past teleconference re: Failure Mode Analysis data development progress, 2 hours @ 50..... $100.00

Total this Invoice..... $1539.00

Please Remit To:

Azurite, Inc.
P.O. Box 338

Beverly Negri
03/01/2005 09:34 AM

To: Anedia Feaster/LV/USEPA/US@EPA
cc:
Subject: draft language for nonpayment for TAG reimbursement

Attached is the letter I mentioned. The language we discussed for Las Vegas is in the last paragraph. If you think other wording would be better , please let me know. Thanks for your help.

Vigil 30205.wpd

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

March 7, 2005

Rio Colorado Reclamation Committee
Mr. Roberto Vigil, President
P.O. Box 333
Questa, NM 87556

RE: Rio Colorado Reclamation Committee
Technical Assistance Grant #98687101-0

Dear Mr. Vigil:

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> ".... Ken (Klco) is requesting EPA's support of his serving as a RCRC representative by asking that RCRC pay for his technical advisor expenses as a participant in the Failure Mechanism Evaluation Analysis (FMEA) discussions and meetings. If RCRC approves, and is willing to pay the TA salary for this purpose, Mark and I will agree to Ken's involvement as a TA participant in the FMEA meetings for the specific purpose to review and evaluate concerns of the rock piles as a potential source of groundwater contamination. Again, it is important to recognize that the stability concerns of the rock piles fall under the responsibility of State of New Mexico's Mining and Minerals Division and New Mexico Environmental Department, not EPA. If RCRC uses the Superfund Technical Assistance Grant (TAG) funds to pay for Ken's FMEA participation, Ken must provide RCRC, and subsequently EPA, with short summary reports on the FMEA meetings and his evaluation of the rock piles as a source of groundwater contamination. Ken cannot not use TAG funds to review and comment on the stability of the front rock piles, interim or otherwise, and/or public and worker safety. If RCRC wishes Ken to utilize the TAG funds for the review of the rock piles and the groundwater contamination issue, please send me a letter stating that Ken, the RCRC TA, will, if allowed by the involved stakeholders, participate in the FMEA meetings specifically for this purpose."

As of today, I still have not received a letter stating that RCRC is requesting Ken Klco to attend the Failure Mechanism Evaluation Analysis meetings for the purpose of **"reviewing technical information presented at the meeting for relevance to the EPA's ongoing RI/FS, and any future EPA decision making under CERCLA."** The TA's invoice indicates his reviews have no relevance to the EPA's

Rio Colorado
Reclamation Committee

1. RPM - Purcell
2. Repository
3. SF - File Room
4. TAG File

RECEIVED
EPA REGION VI
05 FEB 28 PM 12: 21
PROGRAMS MGMT BRANCH

February 11, 2005

Beverly Negri,
6 SF-/PO
US EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri,

Please find enclosed our 4th quarter 2004 progress report and deliverables. The report covers activities from October 1, 2004 through December 31, 2004. Also enclosed is the back-up documentation and EPA Payment Request # 12 for February 10, 2005.

The following are the enclosed documents and deliverables for your review:

- 4th Quarter Progress Report.
- RCRC Technical Advisor Response Document and comments to ATSDR regarding their Public Health Assessment of Questa, NM.
- Report on the Technical Advisor's Activities for the 4th Quarter 2004.
- Sample of individual RCRC member response to the ATSDR regarding their Public Health Assessment of Questa, NM.
- Copies of newspaper articles in which the RCRC organization or members are quoted in the local and regional press coverage on issues related to the MolyCorp mine and its proposed Superfund listing.
- Back-up documentation and EPA Payment Request # 12 for February 10, 2005.

The Rio Colorado Reclamation Committee anticipates continued activity throughout the coming months as draft reports and other documents are released by lead agencies. The RCRC takes its role as a TAG organization very seriously and strives to fulfill its mission with the utmost diligence.

If any questions should occur regarding the enclosed report or for any other matter, please do not hesitate to contact us.

Thank you for all your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Beverly Negri

02/22/2005 11:31 AM

To: hopesmail@zianet.com
cc: elgaucho@laplaza.org, Zana Halliday/R6/USEPA/US@EPA
Subject: Molycorp TAG #198687101-0

Hope,

Thank you for your February 15 letter. I was surprised to hear that you and Patrick were not sent a copy of the December 9, e-mail meeting announcement that I sent on November 24, to the Douglases and Rachel. It was a comprehensive "who, what, when where" email invitation for the December Open House. I even asked the Douglases and Rachel if they would please post the invitation on the RCRC web page so that all of the folks who receive your web page would know about the meeting. I thought that RCRC would provide the meeting information to Ken too. We didn't have any "expectations of Ken", but Mark is comfortable with discussing technical site issues with Ken, and we missed his presence. Of course, RCRC has every right to determine when and what EPA meetings Ken attends.

When RCRC is ready to resubmit the 2nd TAG add-on application, please be sure to send in the newest incorporation papers and information along with a copy of the new Board members. I mailed Patrick a copy of a new TAG application package last week after he and I discussed a couple of "how-to reapply" issues. I suggested that RCRC should go ahead and start working on the application now so that we could have a seamless transition from the old TAG to a new one.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

RECEIVED
EPA REGION VI
05 FEB 22 AM 9:30
PROGRAMS MGMT BRANCH

Beverly Negri
EPA Region 6
Dallas, TX 75202-2733

Dear Beverly,

I hope I can answer your concerns about Ken Klco's participation in the community meeting last December 9th. Rachel was away at the time and I was the one who generated the RCRC Board email discussion on the subject.

The notice of the Community Availability Session said that information would be presented in a "poster-session format, and representatives of the EPA would be available to address questions one-on-one with citizens ...." In our telephone conversation on December 8th about the poster session, you explained this meant there would be no up front presentation. My impression of the display was that it was an excellent presentation for the general public, but not one that would require a TA's expert comment. The EPA Molycorp Site Informational Bulletin for December 2005, sent out just prior to the December 9th meeting, states that the findings of the Risk Assessment Reports are scheduled for completion in late 2005. Of course Ken's technical expertise will be applied to these.

The official notice of the December 9th meeting was emailed to Rachel, with a copy to Patrick, on December 6th; Patrick forwarded it to me on the 7th, and I to the rest of the Board that same day. Until then the RCRC Board had only secondhand information about the meeting. Given the format, I questioned whether Ken needed to come; Ken answered that he was certainly willing to come, but asked if this would be the best use of his time and TAG funds. Karen agreed that this might be a meeting Ken should skip, so I made the decision and advised him not to attend.

Given the information we had on the meeting, and the short time we had to consider it, I believe we made a responsible decision. In hindsight this could all have been explained when we spoke at the Community Availability Session, but better late than never. Also, since there will be more community meetings on the preliminary findings of the RI, perhaps we need to set time to discuss our TA's role and use of TAG resources so that we fulfill EPA's expectations.

As you know, the RCRC Board is in a period of transition, with two Board members resigning - Roberto and Marsha - and with plans to hire a Program Director who can work more closely in Questa. We'll send you an update on new officers, and new plans, after our next Board meeting on February 21st.

Thanks for your time on this matter. I hope we can clear up any misunderstandings.

Best,
Hope Buechler

Hope Buechler
February 15, 2005
(hopesmail@zianet.com)

2-15-05 505 751 3063 Molycorp TAG

Patrick Nicholson telephone call

Questions re TAG renewal for TAG ending 9/30/05

① wanted to Shift funds for program coordinator (adm cost) to add to current adm - pay? decided not to because of complications

- no money left for supplies ($1,400 in budget over $195.

48,600

$6,400 Adm. cost already spent

- Administrative Contract $5,000 contractual for Adm

- only funds available is contracts already signed - if money is shifted $3,600 must be taken from contract ~~for~~ *

Program Coordinator will need a SOW, a new budget

② Application package will be sent → RCRC

new grant will have prog. coordinator

Send letter to EPA explaining changes in budget

* ⓐ contract amendment showing what work will not be done & new amount of contract

ⓑ new budget showing that $3,600 moved into supplies

moly corp

Beverly Negri

02/01/2005 01:56 PM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: A description of the TAG process for the $50 000 and additional amounts beyond that if applied for by a TAG group

TAG Rule

Section 35.4060 - How much money can my group receive thorough a TAG?
If your group is...
(a) the first recipient of a TAG at a site or subsequent recipient at a site where the initial recipient spent the entire award amount;
Then your initial award will not exceed $50,000 per site.

Section 35.4065 - How can my group get more than $50,000?
(1)The EPA regional office award official for your grant may waive your group's $50,000 limit if your group demonstrates that:
(...group received previous TAG funds, ... managed those funds effectively; and
(2) Site(s) characteristics indicate additional funds are necessary due to the nature of volume of site-related information. In this case, three of the ten factors below must occur: (*I've listed only the 6 pertinent characteristics.)*
(i) a RI/FS costing more than $2,000,000 is performed;
(ii) Treatability studies or evaluation of new and innovative technologies are required as specified in the Record of Decision;
(iv) The site public health assessment (or related activities) indicates the need for further health investigations and/or health promotions activities;
(viii) EPA expects a cleanup lasting more than 8 years from the beginning of the RI/FS through construction completion:
(ix) significant public concern exists, where large groups of people in the community require many meetings, copies, etc.;
(x) Any other factor that, in EPA's judgement, indicates that the site is unusually complex.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Beverly Negri

01/24/2005 03:15 PM

To: Rachel Conn <rconn@amigosbravos.org>
cc: Ken Klco <azurite@amigo.net>, Brooke Tatum <btatum@laplaza.org>, Karen and David Douglas <Douglas@nm.net>, Carlos Herrera <herrera02@kitcarson.net>, Hope Buechler <hopesmail@zianet.com>, Mark Purcell/R6/USEPA/US@EPA, Karen Douglas <minniemoomoo@comcast.net>, Marsha Reddell <redhow@taosnm.com>, Taylor Streit <tsfish@laplaza.org>, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Stability Issues- recent article - Molycorp

Rachel,

My October 28, 2004, letter to Roberto included the following language in reference to Ken's participation in the Failure Mechanism Evaluation Analysis (FMEA) meetings at the Molycorp mine site:

*"Ken is requesting EPA's support of his serving as a RCRC representative by asking that RCRC pay for his technical advisor (TA) expenses as a participant in the FMEA discussions and meetings. If RCRC approves and is willing to pay the TA salary for this purpose, Mark and I will agree to Ken's involvement as a TA participant in the FMEA meetings for the specific purpose to review and evaluate concerns of the rock piles as a potential source of groundwater contamination. Again, it is important to recognize that the stability concerns of the rock piles fall under the responsibility of MMD and NMED, not EPA. If RCRC uses the Superfund Technical Assistance Grant (TAG) funds to pay for Ken's FMEA participation, Ken must provide RCRC, and subsequently EPA, with short summary reports on the FMEA meetings and his evaluation of the rock piles as a source of groundwater contamination. Ken cannot not use TAG funds to review and comment on the stability of the front rock piles, interim or otherwise, and/or public and worker safety.* ***If RCRC wishes Ken to utilize the TAG funds for the review of the rock piles and the groundwater contamination issue, please send me a letter stating that Ken, the RCRC TA will, if allowed by the involved stakeholders, participate in the FMEA meetings specifically for this purpose.***

*If Ken does attend the FMEA meetings and elects to serve as a community group representative outside the rock pile/groundwater issues, and endeavors to work with Molycorp and all other stakeholders and team members in the FMEA process to promote a high level of communication regarding the process and outcome of the FMEA proceedings with the public, (through RCRC community meetings, and Amigos Bravos correspondence, etc.) he must do so with non-TAG funding. If you have any questions, please call me at 1.800.533.3508."*

EPA did encourage Ken's participation in the FMEA meetings. But please note that while we encourage his participation in the meetings, his use of TAG funds must be restricted to commenting on those technical issues related to the on-going RI/FS. Ken can't use TAG funds to review and/or comment on any other non-RI/FS issues at FMEA meetings. As of today, I still have not received a letter from Roberto in reference to Ken's participation at the meetings. We are concerned that Ken Klco did not attend the EPA Public Availability Session on December 9, 2004 which EPA held to update the community on the RI/FS.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)

negri.beverly@epa.gov

Rachel Conn <rconn@amigosbravos.org>

Rachel Conn
<rconn@amigosbravos.org>
01/18/2005 01:22 PM

To: Mark Purcell/R6/USEPA/US@EPA, Beverly Negri/R6/USEPA/US@EPA
cc: Brooke Tatum <btatum@laplaza.org>, Karen Douglas <minniemoomoo@comcast.net>, Hope Buechler <hopesmail@zianet.com>, Karen and David Douglas <Douglas@nm.net>, Marsha Reddell <redhow@taosnm.com>, Carlos Herrera <herrera02@kitcarson.net>, Taylor Streit <tsfish@laplaza.org>, Ken Klco <azurite@amigo.net>
Subject: Stability Issues- recent article

Dear Mark,

Last week I received a call from Bobby Magill with the Taos News about RCRC's participation in stability issues. I told him that we had received a letter from Beverly telling us that we could attend stability meetings but we couldn't have Ken respond to or work on any stability issues. He could only attend the meetings and use TAG funds to address groundwater issues. Your quotes in the Jan 13th Taos News article seem to suggest otherwise. This is good news to us as we believe that Superfund, and thus TAG funds, should be addressing stability issues because they pose a direct threat to human health and the the environment.

-Rachel

Rachel Conn
Amigos Bravos: Friends of the Wild Rivers
P.O. Box 238, Taos, NM 87571
505-758-3874 ph. 505-758-7345 fax
www.amigosbravos.org
rconn@amigosbravos.org

# Financial Data Warehouse Document Review

all documents received & sent to PRP via Purcell to Molycorp 12-21-04

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $31,432.62
**Available Amount:** $18,567.38
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $31,432.62 | $18,567.38 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | ✓$2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | ✓$1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | ✓$5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | ✓$1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | ✓$5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

Called on 12-15 & left voice message

✓ Have in EPA file

Financial Data Warehouse Homepage

# REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

OMB APPROVAL NO. 0348-0004

PAGE 1 OF PAGES

RECEIVED EPA REGION 9 NOV 26 AM 9:07 ACCOUNTS MGMT BRANCH

1. TYPE OF PAYMENT REQUESTED
a. "X" one or both boxes: ☐ ADVANCE ☒ REIMBURSEMENT
b. "X" the applicable box: ☐ FINAL ☒ PARTIAL

2. BASIS OF REQUEST: ☐ CASH ☐ ACCRUAL

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED: EPA

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY: 1-98687101-0

5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST: 1

6. EMPLOYER IDENTIFICATION NUMBER: 02-0621117

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER: 20209805

8. PERIOD COVERED BY THIS REQUEST
FROM (month, day, year): 10/01/02
TO (month, day, year): 11/15/02

9. RECIPIENT ORGANIZATION
Name: Rio Colorado Reclamation Committee
Number and Street: PO. Box 637
City, State and ZIP Code: Questa, NM 87556

10. PAYEE (Where check is to be sent if different than item 9)
Name:
Number and Street:
City, State and ZIP Code:

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

| PROGRAMS/FUNCTIONS/ACTIVITIES ► | (a) | (b) | (c) | TOTAL |
|---|---|---|---|---|
| a. Total program outlays to date (As of date) | $ 6250.00 | $ | $ | $ 6250.00 |
| b. Less: Cumulative program income | | | | |
| c. Net program outlays (Line a minus line b) | | | | |
| d. Estimated net cash outlays for advance period | | | | |
| e. Total (Sum of lines c & d) | 6250.00 | | | 6250.00 |
| f. Non-Federal share of amount on line e 20% | 1250.00 | | | 1250.00 |
| g. ~~Federal share of amount on line e~~ hti | 5,000.00 | | | 5000.00 |
| h. Federal payments previously requested | 0 | | | 0 |
| i. Federal share now requested (Line g minus line h) 80% | 5,000.00 | | | 5000.00 |
| j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances — 1st month | | | | |
| 2nd month | | | | |
| 3rd month | | | | |

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

| | |
|---|---|
| a. Estimated Federal cash outlays that will be made during period covered by the advance | $ |
| b. Less: Estimated balance of Federal cash on hand as of beginning of advance period | |
| c. Amount requested (Line a minus line b) | $ |

UTHORIZED FOR LOCAL REPRODUCTION

(Continued on Reverse)

STANDARD FORM 270 (Rev. 7-97)
Prescribed by OMB Circulars A-102 and A-110

Beverly Negri — 11/26/02
Approved for Payment — Date

13. **CERTIFICATION**

| | | |
|---|---|---|
| I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested. | SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL<br>Rachel Conn | DATE REQUEST SUBMITTED<br>11/15/02 |
| | TYPED OR PRINTED NAME AND TITLE<br>Rachel Conn | TELEPHONE (AREA CODE, NUMBER, EXTENSION)<br>719-~~758~~-672-0401 |

This space for agency use

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

## INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

| *Item* | *Entry* |
|---|---|
| 2 | Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis. |
| 4 | Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement. |
| 6 | Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency. |
| 7 | This space is reserved for an account number or other identifying number that may be assigned by the recipient. |
| 8 | Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested. |
| Note: | The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports. |
| 11 | The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page. |
| 11a | Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees. |
| 11b | Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement. |
| 11d | Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance. |
| 13 | Complete the certification before submitting this request. |

# REQUEST FOR ADVANCE OR REIMBURSEMENT

(See Instructions on back)

OMB APPROVAL NO. 0348-0004

PAGE | OF | PAGES

1. TYPE OF PAYMENT REQUESTED

a. "X" one or both boxes: ☐ ADVANCE ☒ REIMBURSEMENT

b. "X" the applicable box: ☐ FINAL ☒ PARTIAL

2. BASIS OF REQUEST: ☐ CASH ☐ ACCRUAL

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED: EPA

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY: 1-98687101-0

5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST: 2

6. EMPLOYER IDENTIFICATION NUMBER: 02-0621117

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER: 20209805

8. PERIOD COVERED BY THIS REQUEST

FROM (month, day, year): 11/16/02

TO (month, day, year): 7/15/03

9. RECIPIENT ORGANIZATION

Name: Rio Colorado Reclamation Committee

Number and Street: P.O. Box 637

City, State and ZIP Code: Questa, NM 87556

10. PAYEE (Where check is to be sent if different than item 9)

Name:

Number and Street:

City, State and ZIP Code:

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

| PROGRAMS/FUNCTIONS/ACTIVITIES ▶ | (a) | (b) | (c) | TOTAL |
|---|---|---|---|---|
| a. Total program outlays to date (As of date) 7/15/03 | $ 8,043 | $ | $ 8,118 | $ 8,043 |
| b. Less: Cumulative program income | Ø | | | Ø |
| c. Net program outlays (Line a minus line b) | 8,043 | | | 8,043 |
| d. Estimated net cash outlays for advance period | Ø | | | Ø |
| e. Total (Sum of lines c & d) | 8,043 | | | 8,043 |
| f. Non-Federal share of amount on line e 20% | 1,549 | | | 1,549 |
| g. Federal share of amount on line e | 6,494 | | | 6,494 ✓ |
| h. Federal payments previously requested | 5,000 | | | 5,000 ✓ |
| i. Federal share now requested (Line g minus line h) 80% | 1,494 | | | 1,494 ✓ |
| j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances — 1st month | | | | |
| 2nd month | | | | |
| 3rd month | | | | |

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

| | |
|---|---|
| a. Estimated Federal cash outlays that will be made during period covered by the advance | $ |
| b. Less: Estimated balance of Federal cash on hand as of beginning of advance period | |
| c. Amount requested (Line a minus line b) | $ |

AUTHORIZED FOR LOCAL REPRODUCTION

(Continued on Reverse)

STANDARD FORM 270 (Rev. 7-97)
Prescribed by OMB Circulars A-102 and A-110

13. **CERTIFICATION**

| | | |
|---|---|---|
| I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested. | SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL<br>Rachel Conn | DATE REQUEST SUBMITTED<br>7/28/03 |
| | TYPED OR PRINTED NAME AND TITLE<br>Rachel Conn | TELEPHONE (AREA CODE, NUMBER, EXTENSION)<br>719-672-0401 |

This space for agency use

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

## INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

| *Item* | *Entry* |
|---|---|
| 2 | *Indicate whether request is prepared on cash or accrued* expenditure basis. All requests for advances shall be prepared on a cash basis. |
| 4 | Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement. |
| 6 | Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency. |
| 7 | This space is reserved for an account number or other identifying number that may be assigned by the recipient. |
| 8 | Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested. |
| Note: | The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports. |
| 11 | The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page. |
| 11a | Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. *Enter program outlays to date (net of refunds,* rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees. |
| 11b | Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement. |
| 11d | Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance. |
| 13 | Complete the certification before submitting this request. |

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505. 758. 8628

Fax#: 505. 758. 8831

ACH # 6663 (if applicable)

Request # 2

Cash on Hand: $ [redacted]

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) if Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | N/A | $5,185 | | |
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| | TOTAL AMOUNT REQUESTED $ | | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: [signature]
Recipient Approving Official's Signature

7/9/03
Date Approved

EPA Certifying Officer Approval

Date Approved

$
EPA APPROVED AMOUNT
For EPA Use Only

RECEIVED
EPA REGION VI
03 SEP 12 PM 2:59
GRANTS MANAGEMENT BRANCH

JUL 25 '03 08:11AM EPA LVFMC

P.2

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505.758.8626

Fax#: 505-758-8831

ACH # 6663 (if applicable)

Request # 34 7th

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | N/A | $1,952.18 | | |
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| | TOTAL AMOUNT REQUESTED $ | $1,952.18 | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Cen

Recipient Approving Official's Signature

10/6/03

Date Approved

EPA Certifying Officer Approval

Date Approved

$

EPA APPROVED AMOUNT
For EPA Use Only

JUL 25 '03 08:11AM EPA VF P.2

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505 758-8626

Fax#: 505 758.8831

| ACH # (if applicable) | Request # 5 | Cash on Hand: $ 0 | | |
|---|---|---|---|---|
| **Assistance Agreement** | **Account No/Activity Code (Superfund Site Specific)** | **$ Amount** | **Mark (X) If Credit** | **For EPA Internal Use Only** |
| 1-58687101-0 | N/A | $2,301.40 | | |
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| | **TOTAL AMOUNT REQUESTED $** | 2,301.40 | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

**APPROVALS:**

Recipient Approving Official's Signature _____ Date Approved _____

EPA Certifying Officer Approval _____ Date Approved _____

$ _____ **EPA APPROVED AMOUNT** For EPA Use Only

JUL. 25 '03 08:11AM EPA FMC P.2

# Financial Data Warehouse
## Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $31,432.62
**Available Amount:** $18,567.38
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $31,432.62 | $18,567.38 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

Financial Data Warehouse Homepage

Certified By Financial Management Office

Contract Costs

MOLYCORP INC QUESTA DIV, QUESTA, NM SITE ID = 06 DL

TIMEFRAME: 08/01/2003 through 06/30/2004

TECHNICAL ASSISTANCE GRANT

Grantee: RIO COLORADO RECLAMATION COMM

Grant Number: 198687101

Project Officer(s): BEVERLY NEGRI

Dates of Service: From: 08/01/2003 To: 06/30/2004

Summary of Service: Litigation

Total Costs: $18,838.01

| Voucher Number | Voucher Date | Voucher Amount | Treasury Schedule Number | and Date | Site Amount |
|---|---|---|---|---|---|
| 1 | 07/30/2003 | 1,494.00 | ACHC03211 | 08/01/2003 | 1,494.00 |
| 2 | 09/10/2003 | 5,195.00 | ACHC03253 | 09/12/2003 | 5,195.00 |
| 3 | 10/07/2003 | 1,952.18 | ACHC03280 | 10/09/2003 | 1,952.18 |
| 4 | 11/26/2003 | 2,817.48 | ACHC03330 | 12/01/2003 | 2,817.48 |
| 5 | 02/12/2004 | 2,301.40 | ACHC04044 | 02/18/2004 | 2,301.40 |
| 6 | 04/01/2004 | 2,681.34 | ACHC04097 | 04/08/2004 | 2,681.34 |
| 7 | 05/07/2004 | 2,396.61 | ACHC04131 | 05/12/2004 | 2,396.61 |
| | | | | Total: | $18,838.01 |

**Molycorp, Inc.**
Molybdenum Group
P.O. Box 469
Questa, NM 87556-0469
Telephone (505) 586-0212
Facsimile (505) 586-0811

BEVERLY,
DO WE HAVE INVOICES FOR RCRC?
MOLYCORP IS REQUESTING
MMR

Molycorp

December 3, 2004

EPA Superfund – Molycorp Site (06-DL)
CERCLIS #NMD002899094
Superfund Accounting
P.O. Box 360582M
Pittsburg, Pennsylvania 15251

**ATTENTION: COLLECTION OFFICER FOR SUPERFUND**

H.J. Parr, Chief
Cost Recovery Section (6SF-AC)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

RE: Payment of EPA Response Costs
Administrative Order on Consent for RI/FS (CERCLA Docket No. 6-09-01)
Molycorp Inc. Site, Taos, New Mexico

Dear Mr. Parr:

Molycorp received EPA's detailed backup documentation on November 5, 2004. We have reviewed this documentation and are enclosing payment of $433,208.58 for the charges. However, we are requesting additional backup for the following items: Response Action Contract Services (RACS) – CDM Federal Programs, documentation provided for CDM was considered inadequate in that no time sheets and no back up documentation for the non-labor costs were provided; Response Engineering and Analytical (REA) Contract – Lockheed Martin, again no time sheets or back up documentation for the non-labor costs were included; the Technical Assistance Grant – Rio Colorado Reclamation Committee – no invoices were provided. Consistent with Section 96 of our AOC, Molycorp requests this information be provided for our review prior to payment of these costs. Also, the ATSDR costs of $242,309.12 contain indirect costs that are apparently several multiples of direct costs. Accordingly, Molycorp is requesting additional information and justification for the indirect costs.

This payment is being sent to the address noted in the AOC (Section XXIV, Paragraph 98) and a copy of the check is enclosed. Molycorp requests that in the future this level of detail be provided for the Contract Services portion of the cost summary so that we can more quickly evaluate the costs for purposes of payment. Molycorp is not disputing any of the oversight costs.

Should you have any questions or require further information please contact me at (505) 586-7625.

Sincerely,

Anne Wagner

Anne M. Wagner, Ph.D.
Project Coordinator

enclosure

cc: M. Purcell, (6SF-LT) w/ enclosure

**EPA Hazard Substance Superfund**
CERCLIS #NMD002899094
Superfund Accounting
P. O. Box 360582M
Pittsburgh , PA 15251

| INVOICE NO. | INVOICE DATE | REFERENCES | INVOICE AMOUNT | DISCOUNT | PAYMENT AMOUNT |
|---|---|---|---|---|---|
| 12/3/04 | 12/03/2004 | | 433,208.58 | 0.00 | 433,208.58 |
| Molycorp Site, Questa, New Mexico<br>U.S. EPA Region 6<br>Site/Spill ID Number 06DL<br>EPA Docket Number 6-09-01 | | | | | |

| | CHECK NO. | VENDOR NO. | TOTALS | | |
|---|---|---|---|---|---|
| 1of1 | 20134901 | 1716 | 433,208.58 | 0.00 | 433,208.58 |

**DETACH AND RETAIN THIS STATEMENT**

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

**The Northern Trust Company**
Chicago, IL 60710
Payable Through
Northern Trust Bank / DuPage
Oakbrook Terrace, IL

**Molycorp**

**Molycorp, Inc.** **20134901** 70-2382/719
Molybdenum Group
P.O. Box 469
Questa, NM 87556-0469

**PAY**
■ FOUR HUNDRED THIRTY-THREE THOUSAND TWO HUNDRED EIGHT DOLLARS AND FIFTY-EIGHT CENTS **********

Date 12/03/2004 Check Amount *$433,208.58

Questa disbursing account

TO THE ORDER OF

**EPA Hazard Substance Superfund**
CERCLIS #NMD002899094
Superfund Accounting
P. O. Box 360582M
Pittsburgh , PA 15251

Void Over $433,208.58

D L Chessum
Treasurer

Void after six months from above date

FORM NO. 97038

⑈20134901⑈ ⑆071923828⑆306⑈57789⑈

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

DETAILED COST PACKAGE SENT TO MOLYCORP IN NOV 05

August 26, 2004

MEMORANDUM

SUBJECT: Cost Recovery Documentation
Molycorp, Inc., NM, Site 06-DL

FROM: Regina Milbeck, Chief
Audit and Finance Section (MD-RA)

TO: Henry J. Parr, Chief
Cost Recovery Section (SF-AC)

As requested, attached is the cost documentation for the subject site for the period from August 1, 2003 through June 30, 2004. The documentation consists of one Region 6 cost package, one package from the State of New Mexico Environment Department (NMED) and cost reports from the Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (ATSDR). The costs from the NMED are included in the EPA timeframe package.

**Region 6 - Timeframe**
Cost documentation is furnished for the period 08/01/2003 through 06/30/2004. **$ 990,018.12**

**ATSDR**
Cost package is furnished in accordance with the ATSDR letter dated August 13, 2004.

| | |
|---|---|
| **Report I** | **$ - 0 -** |
| **Report II** | **$ 15,872.00** |
| **Report III** | **$ 226,437.12** |
| **Total** | **$1,232,327.24** |

Certified By Financial Management Office

Itemized Cost Summary

MOLYCORP INC QUESTA DIV, QUESTA, NM SITE ID = 06 DL

TIMEFRAME: 08/01/2003 through 06/30/2004

| | |
|---|---|
| **REGIONAL PAYROLL COSTS** | $111,080.04 |
| **REGIONAL TRAVEL COSTS** | $25,684.53 |
| **RESPONSE ACTION CONTRACT SERVICES (RACS)** | |
| CDM FEDERAL PROGRAMS CORP. (68-W5-0022) | $487,006.85 |
| **RESPONSE ENGINEERING AND ANALYTICAL (REA) CONTRACT** | |
| LOCKHEED MARTIN SERVICES, INC. (68-C9-9223) | $50,964.68 |
| **SUPERFUND COOPERATIVE AGREEMENT (SCA)** | |
| NEW MEXICO ENVIRONMENT DEPARTMENT (V98680801) | $2,935.00 |
| **TECHNICAL ASSISTANCE GRANT** | |
| RIO COLORADO RECLAMATION COMM (198687101) | $18,838.01 |
| **EPA INDIRECT COSTS** | $293,509.01 |
| **Total Site Costs:** | $990,018.12 |

C[illegible]ied By Financial Management Offi[illegible]

Contract Costs

MOLYCORP INC QUESTA DIV, QUESTA, NM SITE ID = 06 DL

TIMEFRAME: 08/01/2003 through 06/30/2004

TECHNICAL ASSISTANCE GRANT

Grantee: RIO COLORADO RECLAMATION COMM

Grant Number: 198687101

Project Officer(s): BEVERLY NEGRI

Dates of Service: From: 08/01/2003 To: 06/30/2004

Summary of Service: Litigation

Total Costs: $18,838.01

| Voucher Number | Voucher Date | Voucher Amount | Treasury Schedule Number | and Date | Site Amount |
|---|---|---|---|---|---|
| 1 | 07/30/2003 | 1,494.00 | ACHC03211 | 08/01/2003 | 1,494.00 |
| 2 | 09/10/2003 | 5,195.00 | ACHC03253 | 09/12/2003 | 5,195.00 |
| 3 | 10/07/2003 | 1,952.18 | ACHC03280 | 10/09/2003 | 1,952.18 |
| 4 | 11/26/2003 | 2,817.48 | ACHC03330 | 12/01/2003 | 2,817.48 |
| 5 | 02/12/2004 | 2,301.40 | ACHC04044 | 02/18/2004 | 2,301.40 |
| 6 | 04/01/2004 | 2,681.34 | ACHC04097 | 04/08/2004 | 2,681.34 |
| 7 | 05/07/2004 | 2,396.61 | ACHC04131 | 05/12/2004 | 2,396.61 |
| | | | | Total: | $18,838.01 |

Rio Colorado
Reclamation Committee

December 17, 2004

Beverly Negri
Zana Halliday
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

Dear Beverly & Zana,

Per your request, I have enclosed our EPA Payment Requests # 4 - 11(November 25, 2003 - December 13, 2004). Also, please find the back-up documentation for payment request # 11 (December 13, 2004).

Please do not hesitate to contact us if any further documentation or forms are required or you have any questions.

Sincerely,

Patrick Nicholson
Grant Administrator

Enc.

Zana Halliday
12/06/2004 11:01 AM

To: elgaucho@laplaza.org, rconn@amigosbravos.com, Karen Douglas <minniemoomoo@comcast.net>
cc:
Subject: Fw: Final Molycorp Hand Out for 12/9 sessions

Final General Fact Sheet 12-01-04 rv2.pdf

Beverly Negri

11/24/2004 01:58 PM

To: Patrick Nicholson <elgaucho@laplaza.org>
cc: hopesmail@zianet.com, Rachel Conn <rconn@amigosbravos.org>, Zana Halliday/R6/USEPA/US@EPA
Subject: RE: TAG Reimbursement for Molycorp TAG #198687101-0

Actually Patrick, it would be better if you send me the budget you are using. That is one way I can see how well you are doing in the administration of the TAG. I appreciate your future matching of deliverables. Thanks.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Patrick Nicholson <elgaucho@laplaza.org>

Patrick Nicholson
<elgaucho@laplaza.org
>

11/24/2004 10:55 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Rachel Conn <rconn@amigosbravos.org>, hopesmail@zianet.com
Subject: RE: TAG Reimbursement for Molycorp TAG #198687101-0

Good Morning Beverly,

Thanks for your quick review and oversight. Could you plz. send to me the TAG budget that you are working from? I want to be sure we're both working from the same budget version.

In the future, I will match deliverables specifically to required deliverables in the Programmatic Conditions.

Thx again.

Patrick Nicholson
Director of Transportation & Planning
Pueblo of Taos

505.758.8626

-----Original Message-----
From: Negri.Beverly@epamail.epa.gov
[mailto:Negri.Beverly@epamail.epa.gov]
Sent: Wednesday, November 24, 2004 9:38 AM
To: rconn@amigosbravos.com; hopesmail@zianet.com; elgaucho@laplaza.org
Cc: Halliday.Zana@epamail.epa.gov
Subject: Fw: TAG Reimbursement for Molycorp TAG #198687101-0

Zana Halliday acknowledged receipt of the Rio Colorado Reclamation Committee (RCRC) Quarterly Progress Report, MBE/WBE Report, TAG deliverables, etc. and sent an e-mail to both Rachel and Patrick on

11/22/04.

Upon review of the backup documentation for the reimbursement drawdown, several concerns were noted:

1. RCRC paid $162.61 in additional office supplies on the last drawdown. The TAG only covered $1,400 in the supplies budget costs, and these costs were already overpaid by $195.74. With this last reimbursement, the total over draw in supplies is $358.35. No more draws can be made for supplies or administrative costs. The $358.35 overage requires that RCRC limit any future contract draws by this amount. If any more overdraws of any amount are made in any budget class category, RCRC will not be able to send reimbursement requests directly to the Las Vegas Finance Center (LVFC). I will require that all RCRC reimbursement requests be sent to my attention in Region 6. I will review the draw and then send it on to LVFC.

2. Please remember to reference by number any technical advisor deliverables to the TAG's Programmatic Conditions numbers. Sometimes it is difficult to match specific deliverables with the required deliverables.

Thank you for your attention to these issues. If you have any questions, please call me at 1-800-533-3508.

Beverly Negri
TAG Project Officer
214.665.8157 or 1.800.533.3508 (toll-free)

Beverly Negri
11/24/2004 10:27 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Re: TAG Reimbursement for $2; Re: 215.09; Re: made 11/19/04. 1-98687101

please see the MolycorpTAGfile on your desk for info on this e-mail

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Zana Halliday

Zana Halliday
11/23/2004 11:19 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: TAG Reimbursement for $2
215.09
made 11/19/04. 1-98687101

I aknowledged receipt of Quarterly Progress Report, MBE/WBE Report, deliverables, etc today and sent the e-mail to both Rachel and Patrick on 11/22/04.

11/23/04 Upon review of the backup documents for the drawdown, I cannot match up anything:

1. Apparently RCRC paid $162.61 in additional office services on this drawdown. Grant only covered $1,400 in admin, costs, and are already $195.74 overpaid.
2. TA bills on this drawdown from Azurite, Inc. (Ken Klco) include $ 1,749.65 (dated 10/7/04) and $1,981.02 (dated11/15/04). This totals $ 3,730.67.
3. Totals of TA bills and office expenses = $3,893.28. I don't know if this covers the last two drawdowns because the two drawdowns of $2,215.09, 11/19/04, and $1,749.65, 10/127/04 = $3,964.74. a difference of $234.07.

Beverly Negri

11/24/2004 10:38 AM

To: rconn@amigosbravos.com, hopesmail@zianet.com, elgaucho@laplaza.org
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Fw: TAG Reimbursement for Molycorp TAG #198687101-0

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2. Please remember to reference by number any technical advisor deliverables to the TAG's Programmatic Conditions numbers. Sometimes it is difficult to match specific deliverables with the required deliverables.

Thank you for your attention to these issues. If you have any questions, please call me at 1-800-533-3508.

Beverly Negri
TAG Project Officer
214.665.8157 or 1.800.533.3508 (toll-free)

Beverly Negri

11/24/2004 10:13 AM

To: rconn@amigosbravos.com, hopesmail@zianet.com, elgaucho@laplaza.org,
cc: Zana Halliday/R6/USEPA/US,
cc:
Subject: Fw: TAG Reimbursement for Molycorp TAG #198687101-0

Zana Halliday acknowledged receipt of the Rio Colorado Reclamation Committee (RCRC) Quarterly Progress Report, MBE/WBE Report, TAG deliverables, etc. and sent an e-mail to both Rachel and Patrick on 11/22/04.

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Thank you for your attention to these issues. If you have any questions, please call me at 1-800-533-3508.

Beverly Negri
TAG Project Officer
214.665.8157 or 1.800.533.3508 (toll-free)

Beverly Negri

11/24/2004 06:27 AM

To: Karen Douglas <minniemoomoo@comcast.net>
cc: rconn@amigosbravos.com, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Questions for application and organization fro Molycorp TAG - #198687101-0

Karen,

Hope all is well with you and David. Mark , myself and several other EPA folks will be in Questa on December 9 to host two Molycorp Mine Availability Sessions. We plan on presenting information on only one media - the groundwater. We'll have one session at 12:00 noon to 2:00 PM and the second one (covering the same information) at 6:00 to 8:00 PM that same evening. The draft public notice is included below. Could David place the notice on your RCRC web page?

Zana received a call from Hope yesterday indicating that the Rio Colorado Reclamation Committee (RCRC) was interested in securing in a new Technical Assistance Grant (TAG). Several months ago, I was also asked about a no-cost time extension for the TAG. The TAG budget and project period don't end until 9/30/05. In addition, even after the recent drawdown, RCRC has approximately $20,000. left in the budget. I am uncertain as to why either request has been made. I'll try to contact Hope today and answer her other questions. It would really help too if Roberto would call me or send an e-mail, I can try to answer any questions he might have about the TAG.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

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**U.S. EPA will host two Community Availability Sessions for the Molycorp, Inc. Mine Site**

U.S. EPA Plans Community Availability Sessions for the Molycorp Inc., Mine Site.

On Thursday, December 9, 2004, EPA representatives will be available at the St. Anthony's Catholic Church Parish Center to discuss one-on-one the preliminary findings of EPA's Remedial Investigation with the public. These first availability sessions will be poster sessions primarily focusing on groundwater, with future sessions focusing on other media. The same information will be presented at both meetings.

Representatives of EPA will be available to answer questions related to groundwater issues and address any other questions that citizens may have about the site.

**These meetings will be held:**

**Thursday, December 9, 2004**
**12:00 noon to 2:00 PM**
**and repeated**
**6:00 PM - 8:00 PM**
**St. Anthony's Parish Center**
**Highway 522**

## Questa, NM

These meetings are being held in a fully-accessible facility. If you have any questions, please call Beverly Negri, the Molycorp Site Community Involvement Coordinator at 1-800-533-3508 (toll-free).

Zana Halliday
11/23/2004 10:02 AM

To: Beverly Negri/R6/USEPA/US,
cc:
cc:
Subject: TAG Reimbursement for $2,215.09, made 11/19/04. 1-98687101

I aknowledged receipt of Quarterly Progress Report, MBE/WBE Report, deliverables, etc today and sent the e-mail to both Rachel and Patrick on 11/22/04.

11/23/04 Upon review of the backup documents for the drawdown, I cannot match up anything:

1. Apparently RCRC paid $162.61 in additional office services on this drawdown. Grant only covered $1,400 in admin, costs, and are already $195.74 overpaid.
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3. Totals of TA bills and office expenses = $3,893.28. I don't know if this covers the last two drawdowns because the two drawdowns of $2,215.09, 11/19/04, and $1,749.65, 10/127/04 = $3,964.74. a difference of $234.07.

Zana Halliday
11/23/2004 09:51 AM

To: Beverly Negri/R6/USEPA/US,
cc:
cc:
Subject: 1-800 call - RCRC (Molycorp)

1-800 call
Nov. 23, 2004
9:50 am

Caller: Hope Buechler (She is listed on Key Contact list as "Treasurer")
Taos, NM
505-776-1580

She has several questions concerning the TAG, and needs you to call her before 10:00 am Wed. as she is going out of town. Her questions are ones that she will need to talk to you about as they concern decision making answers:

1. Wants renewal of the TAG, she does not see any problem with that. (I do not know if anything is changing to justify another TAG). Beverly, does she have authority as Treasurer to ask for renewal? She is not the authorized representative, Robert Vigil is, and he designated Rachel Conn to act for him.

2. Complaint about Rachel being too busy to devote time to the TAG. They , meaning RCRC "plans to reorganize" per Hope.

3. Is EPA still planning to hold a meeting in December? I told her I did not know, that it was being discussed, but I did not know the answer.

11/24/05 9:30 am

1. Approach renewal next year.

2. (a) Key contact list * needs to be changed if RCRC wants to pay someone to be Project Manager ? *Roberto send new key contact list

10% = $6,250 do budget shift - must come out of contract funds

(b) 2. no supplies funds left - will send an email on same $358.35 over

3. Will have meeting on 12-9 at 12-2 & 6-8 (same subject each time)

*4. SOW, new budget page if any SOW changes made or decision is made to expand community work.

over

5. Add Hope Buechler to contact info
email address is ~~5~~ hopesmail@zianet.com

Zana Halliday
11/23/2004 08:30 AM

To: elgaucho@laplaza.org, rconn@amigosbravos.com
cc: Beverly Negri/R6/USEPA/US,
cc:
Subject: TAG # 1-98687101 - RCRC

We received your Quarterly Progress Report for the period 7/1-9/30/04 with deliverables, backup invoices supporting your latest financial drawdown, and your annual MBE/WBE report. We appreciate your promptness in sending in these reports.

Hope you have a wonderful Thanksgiving. .

Zana

Rio Colorado
Reclamation Committee

RECEIVED
EPA REGION VI
04 NOV 22 AM 8:55
ATTENTION: PROJECT MANAGER

November 18, 2004

Beverly Negri
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri,

Please find enclosed our third quarter progress report for 2004. The report covers activities from July 1, 2004 through September 30, 2004. Also enclosed are back-up documentation (invoices and receipts) from our 10/25/04 and 11/19/04 reimbursement requests.

The following are the enclosed documents and deliverables for your review:

- 3rd Quarter Progress Report
- Back-up documentation from our10/25/04 and 11/19/04 reimbursement requests.
- The original signed annual MBE/WBE Report.
- Letter to Mr. T.G. Foreback, Senior Environmental Engineer Mining Act Reclamation Section o f the NM State Mining & Minerals Division, regarding the Questa Tailing Facility permit modification proposal
- Report to RCRC on the ATSDR Public Health Assessment for use in the upcoming Newsletter.
- Report on Technical Advisor Activities for the 3rd Quarter 2004.
- Latest edition of the RCRC Quarterly Newsletter, "Cuentos del Rio".

The Rio Colorado Reclamation Committee anticipates continued activity throughout the coming months as draft reports and other documents are released by lead agencies. RCRC takes its role as a TAG very seriously and strives to fulfill its mission with the utmost diligence.

If any questions should occur regarding the enclosed report or for any other matter, please do not hesitate to contact us.

Thank you for all your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Patrick Nicholson
<elgaucho@laplaza.org
>

11/17/2004 02:57 PM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: RE: Reimbursement for $1, 749.65. TAG # 1-98687101

Hi Zana,

Thank you for the reminder. I have fallen a bit behind in our reporting. I will seriously strive to provide all necessary reports and back-up documentation by Monday, November 22, 2004.

I appreciate your patience.

Patrick Nicholson
Director of Transportation & Planning
Pueblo of Taos

505.758.8626

-----Original Message-----
From: Halliday.Zana@epamail.epa.gov
[mailto:Halliday.Zana@epamail.epa.gov]
Sent: Tuesday, November 02, 2004 12:24 PM
To: elgaucho@laplaza.org
Cc: Negri.Beverly@epamail.epa.gov
Subject: Reimbursement for $1, 749.65. TAG # 1-98687101

Hi,

Reimbursement in the amount of $1,749.65 was paid by Las Vegas Finance Center to Rio Colorado Reclamation Committe on October 27, 2004. Can you please send us the backup documentation to support this payment? If this message and your documentation have crossed in the mail, ignore this request.

Your annual MBE/WBE report was due 10/30/04. We appreciate your prompt response to our requests for reports, etc.

Have a great day.

Beverly Negri

11/04/2004 02:55 PM

To: elgaucho@laplaza.org
cc: Nelda Perez/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA, William Rhotenberry/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: Fw: Molycorp TAG #$98687101-0 and Creative funding ideas for your non-profit community group

Patrick,

If RCRC wants a no-cost time extension for the TAG award, they just need to send me a letter requesting the no-cost extension. Usually a one-year extension is requested, but let me know if you want more time. Once the extension is provided on the TAG, and if you want to extend the times for the RCRC contracts, that can be done via addendums to the contracts. I'll need copies of any addendums made.

---

To look for other grant opportunities, try the Brownsfield Program..for parts of the site that are not on the NPL. Also contact the Environmental Justice Office (the new EJ Collaborative Problem-Solving grants might be a possibility) or the office that awards Environmental Education grants. I believe they all have several grants opportunities available.

I also suggest that you refer your community group to the following web pages:
http://www.epa.gov/owow/watershed/initiative/
http://www.epa.gov/ecocommunity/matrix.htm
http://12.46.245.173/cfda/cfda.html

Beverly Negri

Beverly Negri

11/02/2004 06:44 AM

To: Ken Klco <azurite@amigo.net>
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Molycorp FMEA meetings

I sent the letter last week with a copy to you. If you don't get it this week, please let me know and I will resend.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Ken Klco <azurite@amigo.net>

Ken Klco
<azurite@amigo.net>

11/01/2004 10:50 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Re: Molycorp FMEA meetings

Beverly,

I did not get copied on your letter to Roberto. Please forward at your earliest convenience. Thanks.

KSKlco
----- Original Message -----
From: <Negri.Beverly@epamail.epa.gov>
To: <Purcell.Mark@epamail.epa.gov>
Cc: "Ken Klco" <azurite@amigo.net>; <rconn@amigosbravos.org>
Sent: Thursday, October 28, 2004 5:16 AM
Subject: Fw: Molycorp FMEA meetings

>
> Mark,
>
> I have sent Roberto Vigil a letter responding to Ken's request. I have
> copied Ken and Rachel. Ken, thank you for bringing this request to my
> attention.
>
> Beverly Negri
> TAG Project Officer
>
>
> ----- Forwarded by Mark Purcell/R6/USEPA/US on 10/27/2004 09:32 AM -----
>
> Ken Klco
> <azurite@amigo.ne t> To: Mark Purcell/R6/USEPA/US@EPA
> cc: Brian Shields <bshields@amigosbravos.org>
> Subject: MolycorpFEMA
> 10/22/2004 11:55 AM
>
>
>

>
>
> Mark,
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> I recently attended(as an observer), the 1st Failure Mechanism
> Evaluation Analysis meeting at Molycorp's mine site. I was alerted of
> the meeting the day before by Brian Shields, Amigos Bravos, who could
> not attend and noticed that I was not included on the mailing list.
> Prior to just showing up, I contacted T. Forebeck of MMD and asked if it
> would be ok to attend. It appears that MMD and MNED does not have a
> problem with RCRC representation at this meeting but talking with Bill
> Sharrer, it is apparent that Bill's position is that the interim
> stability issues of the front rock piles, which is the focus of this
> investigation, are not a superfund issue, per se, and that Molycorp does
> not want superfund monies spent on issues they do not percieve to be
> directly related to the RI/FS process. I talked with Bill at the
> meeting on this and respect his position, although I do not necessarily
> agree with him on the issue of the stability of the front rock piles,
> interim or otherwise, not being an important aspect to overall site
> conditions, public and worker safety, or an important consideration and
> component of the sitewide RI/FS. While discussing this perspective, I
> also noted that as a community group representative, I might be able to,
> and would certainly be willing, to work with Molycorp and all other
> stakeholders and team members in the FMEA process to promote a high
> level of communication regarding the process and outcome of the FMEA
> proceedings with the public (through RCRC community meetings, Amigos
> Bravos correspondence, and with your agency.) This participation could
> only help to support Molycorp's overall desire, as stated, to have an
> open door policy with the public regarding the safety and stablility of
> the rock piles. I also offered my interest in being involved with the
> FMEA process as a participant team member, if acceptable to all parties,
> currently the sole team member/ community representative is Dr. D.
> Miller, of Gannet-Fleming, for the Village of Questa. While I doubt
> that this level of involvement will be desired by Molycorp, I feel that
> attending these meetings as only an observer limits one to a "fence
> sitter" and allows the observer to not take the responsibility to buy in
> to the outcome and recommendations of the FMEA team effort. In that
> Amigos Bravos does not appear to have the resources available to commit
> to involvement in this process at this time, RCRC representation and/or
> participation in this process will likely be the only non-political
> public connection possible. I am writing to request EPA support of RCRC
> involvement with FMEA process to what ever degree is deemed appropriate.
> I would be happy to keep you informed as to FMEA meetings via short
> summary reports. I hope that you agree that not only long term, but
> interim rock pile stability issues, the FMEA, are important
> considerations to overall site conditions and should be included within
> the scope of the RI, and may well direct and complement critical aspects
> to action items that might be entertained during the Feasibility Study
> for the site. Thanks for your consideration in this matter.
>
> I hope your feeling better every day.
>
> Regards,
> KSKlco
>

Zana Halliday
11/02/2004 01:23 PM

To: elgaucho@laplaza.org
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Reimbursement for $1
749.65. TAG # 1-98687101

Hi,

Reimbursement in the amount of $1,749.65 was paid by Las Vegas Finance Center to Rio Colorado Reclamation Committe on October 27, 2004. Can you please send us the backup documentation to support this payment? If this message and your documentation have crossed in the mail, ignore this request.

Your annual MBE/WBE report was due 10/30/04. We appreciate your prompt response to our requests for reports, etc.

Have a great day.

October 28, 2004

Rio Colorado Reclamation Committee
Mr. Roberto Vigil, President
P.O. Box 333
Questa, NM 87556

RE: Technical Assistance Grant #198687101-0

Dear Mr. Vigil:

Mark Purcell and I reviewed the October 22, 2004, e-mail note from the Rio Colorado Reclamation Committee's (RCRC) technical advisor, Ken Klco. Ken's e-mail (copy enclosed) is in concern to the Failure Mechanism Evaluation Analysis (FMEA) meetings at Molycorp's mine site. Ken indicates that while the Mining/Minerals Division (MMD) and New Mexico Environmental Department (NMED) do not have a problem with RCRC representation at the FMEA meetings, he states that, " ... Bill Sharrer's position is that the interim stability issues of the front rock piles, which is the focus of this investigation, are not a Superfund issue, per se, and that Molycorp does not want Superfund monies spent on issues they do not perceive to be directly related to the Remedial Investigation/Feasibility Study (RI/FS) process." We agree that the long term and interim rock pile stability is important. However, the U.S. Environmental Protection Agency (EPA) is not the lead regulatory agency overseeing this work.

The stability study and any response actions to address instability concerns are considered part of the reclamation and closure activities regulated by MMD and NMED. Those activities are not considered part of the ongoing RI/FS. The EPA has participated in those, and other, reclamation and closure activities to the extent that they may affect the RI/FS and any future EPA decision making for remediation under the Comprehensive, Environmental Responsibility, Compensation and Liability Act (1980, PL 96-510). Further, in the Administrative Order on Consent for the RI/FS, the EPA acknowledged that Molycorp is undertaking activities subject to regulation under other statutory regimes and agreed to work with those other regulatory agencies to coordinate activities and avoid duplicative efforts.

The EPA is investigating the rock piles as part of the RI/FS to determine whether they are sources of ground water contamination due to acid rock drainage. The EPA will also assess whether they pose any risk to human or ecological receptors as part of the risk assessments to be prepared for the site. Therefore, the EPA's participation with the stability study to date has included attending some meetings and the review of the engineering designs for the mitigation of the Goat Hill North rock pile to ensure that it protects the underlying ground water to the extent

practicable.

Ken is requesting EPA's support of his serving as a RCRC representative by asking that RCRC pay for his technical advisor (TA) expenses as a participant in the FMEA discussions and meetings. If RCRC approves and is willing to pay the TA salary for this purpose, Mark and I will agree to Ken's involvement as a TA participant in the FMEA meetings for the specific purpose to review and evaluate concerns of the rock piles as a potential source of groundwater contamination. Again, it is important to recognize that the stability concerns of the rock piles fall under the responsibility of MMD and NMED, not EPA. If RCRC uses the Superfund Technical Assistance Grant (TAG) funds to pay for Ken's FMEA participation, Ken must provide RCRC, and subsequently EPA, with short summary reports on the FMEA meetings and his evaluation of the rock piles as a source of groundwater contamination. Ken cannot not use TAG funds to review and comment on the stability of the front rock piles, interim or otherwise, and/or public and worker safety. **If RCRC wishes Ken to utilize the TAG funds for the review of the rock piles and the groundwater contamination issue, please send me a letter stating that Ken, the RCRC TA will, if allowed by the involved stakeholders, participate in the FMEA meetings specifically for this purpose.**

If Ken does attend the FMEA meetings and elects to serve as a community group representative outside the rock pile/groundwater issues, and endeavors to work with Molycorp and all other stakeholders and team members in the FMEA process to promote a high level of communication regarding the process and outcome of the FMEA proceedings with the public, (through RCRC community meetings, and Amigos Bravos correspondence, etc.) he must do so with non-TAG funding. If you have any questions, please call me at 1.800.533.3508.

Sincerely yours,

Beverly Negri

Beverly Negri
Technical Assistance Grant Project Officer

Enclosure

cc: Ken Klco
Rachel Conn
Mark Purcell

bcc: TAG File
Darlene Coulson (electronic)
Paul Witthoeft (electronic)

**Mark Purcell**
10/27/2004 05:05 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Re: Fw: Molycorp FMEA - draft e-mail to Roberto Vigil and Rachel Conn

Beverly,

I have the following recommended changes:

Replace the last sentence of the first paragraph with the following:

However, the EPA is not the lead regulatory agency overseeing this work. The stability study and any response actions to address instability concerns are considered part of the reclamation and closure activities regulated by MMD and NMED. Those activities are not considered part of the ongoing RI/FS. The EPA has participated in those, and other, reclamation and closure activities to the extent that they may affect the RI/FS and any future EPA decision making for remediation under CERCLA. Further, in the Administrative Order on Consent for the RI/FS, the EPA acknowledged that Molycorp is undertaking activities subject to regulation under other statutory regimes and agreed to work with those other regulatory agencies to coordinate activities and avoid duplicative efforts.

It is noted that the EPA is investigating the rock piles as part of the RI/FS to determine whether they are sources of ground water contamination due to acid rock drainage. The EPA will also assess whether they pose any risk to human or ecological receptors as part of the risk assessments to be prepared for the site. Therefoe, the EPA's participation with the stability study to date has included attending some meetings and the review of the engineering designs for the mitigation of the Goat Hill North rock pile to ensure that it protects the underlying ground water to the extent practicable.

Beverly Negri

**Beverly Negri**
10/27/2004 12:01 PM

To: Mark Purcell/R6/USEPA/US@EPA
cc:
Subject: Re: Fw: Molycorp FMEA - draft e-mail to Roberto Vigil and Rachel Conn

Mark - look at this draft and mark it up however you wish. Bev

DRAFT....DRAFT....DRAFT

Roberto/Rachel,

Mark Purcell and I reviewed Ken Klco's e-mail (attached below) concerning the Failure Mechanism Evaluation Analysis (FMEA) meetings at Molycorp's mine site. Ken indicates that while the Mining/Minerals Division (MMD) and New Mexico Environmental Department do not have a problem with Rio Colorado Reclamation Committee (RCRC) representation at this meeting, he states that, " ... Bill Sharrer's position is that the interim stability issues of the front rock piles, which is the focus of this investigation, are not a Superfund issue, per se, and that Molycorp does not want Superfund monies spent on issues they do not perceive to be directly related to the RI/FS process." We agree that long term and interim rock pile stability is important. However, the EPA's RI/FS concern is the impact the rock piles may have as a potential source of groundwater contamination.

Ken is requesting EPA's support of his serving as a RCRC representative by asking that RCRC pay for his technical advisor (TA) expenses as a participant in the FMEA discussions and meetings. If RCRC approves and is willing to pay the TA salary for this purpose, Mark and I will agree to Ken's involvement as a TA participate in the FMEA meetings for the specific purpose to review and evaluate concerns of the rock piles as a potential source of groundwater contamination. It is important to recognize that the

stability concerns of the rock piles fall under the responsibility of MMD, not EPA. If RCRC uses the Superfund Technical Assistance Grant (TAG) funds to pay for Ken's FMEA participation, Ken must provide RCRC, and subsequently EPA, with short summary reports on the FMEA meetings and his evaluation of the rock piles as a source of groundwater contamination. Ken cannot not use TAG funds to review and comment on the stability of the front rock piles, interim or otherwise, and/or public and worker safety.

**If RCRC wishes Ken to utilize the TAG funds for the purpose state above, please sent me a letter stating that as the RCRC TA, Ken will, if allowed by the involved stakeholders, participate in the FMEA meetings specifically for this purpose.**

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Mark Purcell

----- Forwarded by Mark Purcell/R6/USEPA/US on 10/27/2004 09:32 AM -----

Ken Klco
<azurite@amigo.net>
10/22/2004 11:55 AM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Brian Shields <bshields@amigosbravos.org>
Subject: MolycorpFEMA

Mark,

I recently attended (as an observer), the 1st Failure Mechanism Evaluation Analysis meeting at Molycorp's mine site. I was alerted of the meeting the day before by Brian Shields, Amigos Bravos, who could not attend and noticed that I was not included on the mailing list. Prior to just showing up, I contacted T. Forebeck of MMD and asked if it would be ok to attend. It appears that MMD and MNED does not have a problem with RCRC representation at this meeting but talking with Bill Sharrer, it is apparent that Bill's position is that the interim stability issues of the front rock piles, which is the focus of this investigation, are not a superfund issue, per se, and that Molycorp does not want superfund monies spent on issues they do not percieve to be directly related to the RI/FS process. I talked with Bill at the meeting on this and respect his position, although I do not necessarily agree with him on the issue of the stability of the front rock piles, interim or otherwise, not being an important aspect to overall site conditions, public and worker safety, or an important consideration and component of the sitewide RI/FS. While discussing this perspective, I also noted that as a community group representative, I might be able to, and would certainly be willing, to work with Molycorp and all other stakeholders and team members in the FMEA process to promote a high level of communication regarding the process and outcome of the FMEA proceedings with the public (through RCRC community meetings, Amigos Bravos correspondence, and with your agency.) This participation could only help to support Molycorp's overall desire, as stated, to have an open door policy with the public regarding the safety and stablility of the rock piles. I also offered my interest in being involved with the FMEA process as a participant team member, if acceptable to all parties, currently the sole team member/ community representative is Dr. D. Miller, of Gannet-Fleming, for the Village of Questa. While I doubt that this level of involvement will be desired by Molycorp, I feel that attending these meetings as only an observer limits one to a "fence sitter" and allows the observer to not take the responsibility to buy in to the outcome and recommendations of the FMEA team effort. In that Amigos Bravos does not appear to have the resources available to commit to involvement in this process at this time, RCRC representation and/or participation in this process will likely be the only non-political public connection possible. I am writing to request EPA support of RCRC involvement with FMEA process to what ever degree is deemed appropriate. I would be happy to keep

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I hope your feeling better every day.

Regards,
KSKIco

Mark Purcell
10/27/2004 09:45 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Fw: MolycorpFEMA

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**Beverly Negri**
10/28/2004 07:16 AM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Ken Klco <azurite@amigo.net>, rconn@amigosbravos.org
Subject: Fw: Molycorp FMEA meetings

Mark,

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Beverly Negri
TAG Project Officer

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10/22/2004 11:55 AM

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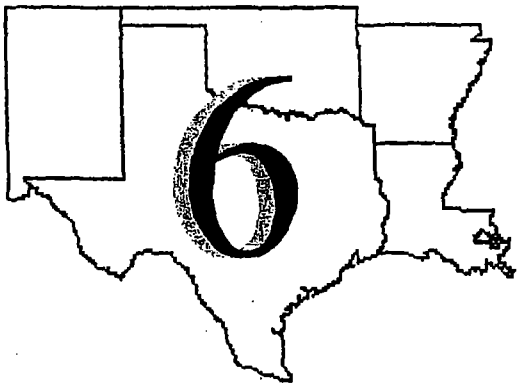
Regards,
KSKlco

EPA Records Schedule 001
Final 8/16/04

EPA

U.S Environmental Protection Agency, Region 6

Arkansas, Louisiana, New Mexico, Oklahoma, Texas




*We are sending you the enclosed material. We hope it will be helpful to you.*

*If we can be of further service, please do not hesitate to call (214) 655-8157 or use our toll-free number, 1-800-533-3508.*

Beverly Negri

*Beverly Negri*
*Community Relations Coordinator*
*Superfund Community Relations*

**U.S. Environmental Protection Agency**
**Region 6 (6SF-PO)**
**1445 Ross Avenue**
**Dallas, Texas 75202-2733**

SUPERFUND HOTLINE 1-800-533-3508

Mailed 10/21/04 to Grantee

Beverly Negri
09/28/2004 03:40 PM

To:
cc:
cc:
Subject: Fw: Molycorp Story

Sent: Monday, September 27, 2004 10:25 AM
Subject: Molycorp Story

> >From today's Journal North:
>
> Monday, September 27, 2004
>
> Tempers Flare at Meeting Over Mine
>
> By Adam Rankin
> Journal Staff Writer
> QUESTA- Public anger and frustration simmered Wednesday night over
> seemingly incessant meetings that fail to produce any fix for longstanding
> environmental and public health concerns over the mountain village's
> neighboring molybdenum mine.
> As they have many times in the last few years, concerned people of
> Questa gathered in St. Anthony's Parish Center to hear an update from
> federal agencies investigating potential public health effects from the
> mine- a Superfund cleanup site and the village's primary economic engine.
> But unlike on past occasions, tempers were not so well-controlled.
> Residents shot their anger around the room from one federal
> representative to another, officials from the U.S. Environmental
Protection
> Agency and the Agency for Toxic Substances and Disease Registry.
> "Me, as the mayor, I am getting fed up," said Charlie Gonzalez. "Every
> three or six months you guys come in and give us the same run around."
> For the last five years, he said, he and the people of the village
have
> heard the same story about contaminants from the Molycorp mine. EPA and
> other agencies tasked with evaluating the dangers and extent of heavy
metals
> leached from the mine into the region's ground water always say the
results
> are inconclusive. There aren't enough data, and there isn't enough money
to
> get the data, Gonzalez said.
> But getting that data and coming up with firm conclusions are what
> federal taxes are supposed to pay for, he said.
> Gonzalez went on to question why neither federal agency has gone to
the
> medical clinics in either Questa or Taos to review residents' medical
> histories, instead relying solely on those who voluntarily provided their
> files.
> "You people need to knock on some doors," he said. "You are putting
the
> community through a lot of stress."
> The Agency for Toxic Substances and Disease Registry released a
revised
> report earlier this month that found past exposure to Molycorp mine
> contaminants in ground water and drinking wells likely caused health
> problems for some people. But because current exposures have been reduced
or
> eliminated, contaminants pose no threat now, the report states.

> The agency agreed to redo a 2003 report that found no negative health
> effects, because it failed to incorporate public input.
> While pleased the agency acknowledged that contaminants likely caused
> past health problems, people at the meeting challenged the revised
findings.
> "There are obvious gaps in the study," said Rachel Conn, an organizer
> and activist for the Taos-based environmental group Amigos Bravos.
> She said it might be more dangerous than helpful to release an
> incomplete study done with inadequate funding.
> "I understand people are frustrated, but there is only so much we can
> do" because of funding and time constraints, said Lisa Hayes, a senior
> environmental scientist with the disease registry.
> The U.S. Environmental Protection Agency is also in the midst of
> producing a series of reports that will guide its future decision on how
to
> handle the Superfund site and what cleanup it determines is necessary.
> Mark Purcell, EPA's project manager for the job, said a final decision
> won't come until 2007.
> "We know that there is ground-water contamination in certain areas,"
he
> said, but he added that a final determination hasn't been made.
> Molycorp spokeswoman Kirsten Knopfle said Molycorp will do the right
> thing to ensure community safety but that so far no evidence links
potential
> contamination to current health problems.
> Purcell took a barrage of complaints from people at the meeting over
how
> EPA has been gathering data on the extent and nature of ground-water
> contamination from the mine. People charged that EPA should be more
> inclusive about which private wells are reviewed and tested for
> contamination.
> Hope Buechler, a member of a group of volunteers that reviews
Superfund
> work at Molycorp called the Rio Colorado Reclamation Committee, said all
the
> wells in the village should be tested, not just 46, to put an end to
> people's concerns once and for all.
> "It shouldn't be that hard- there are less than 2,000 people living
> here," she said. "It seems preposterous to me."
> Purcell tried to assure people that EPA is interested in any well that
> might help determine the extent of contamination.
> By the end of the meeting, resident David Douglas tried to remind
people
> that their ire should be directed at Molycorp, because it is responsible
for
> past contamination.
> "These people are here because of Molycorp," he said. "Let's keep the
> focus where it belongs and keep it there, on Molycorp."
>
> Jon Goldstein
> Communications Director
> New Mexico Environment Department
> (505) 827-0314
>
>
>
> Confidentiality Notice: This e-mail, including all attachments, is for the
sole use of the intended recipient(s) and may contain confidential and
privileged information. Any unauthorized review, use, disclosure or
distribution is prohibited unless specifically provided for under the New

Mexico Inspection of Public Records Act or by express permission of the New Mexico Environment Department. If you are not the intended recipient, please contact the sender and destroy all copies of this message.
>

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Beverly Negri
10/07/2004 08:21 AM

To:
cc: Zana Halliday/R6/USEPA/US, Freya Margand/DC/USEPA/US,
cc:
Subject: Fw: Superfund Record Retention Schedules

FYI - see page 4 of 5 for information on TAGs records retention

EPA Records Schedule 001 - Grants and Other Program Support Agreements - Superfund Site-Specific
http://www.epa.gov/records/policy/schedule/sched/001.htm
**Summary:** Includes records that document all types of agreements to which EPA is a party and which support the Superfund program. Specific types of agreements may include Interagency Agreements, Cooperative Agreements with federal, state and local government agency, etc.

cc Mtn Pine
Fruit Ave
Molycorp
Brine Services
Jones Rd
MDI, Inc.
Pantex

Rio Colorado
Reclamation Committee

RECEIVED
EPA REGION VI
04 AUG 24 AM 8:53
PROGRAMS MGMT BRANCH

Aug 14, 2004

Beverly Negri
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri,

Please find enclosed our second quarterly progress report for 2004. The report covers activities from April 1, 2004 through June 30, 2004. Also enclosed are Invoices from our 7/14/04 reimbursement request.

The following enclosures and deliverables are enclosed for your review:

- 2nd Quarter Progress Report
- Invoices from our 7/14/04 reimbursement request.
- *2nd Letter to the EPA (Mark Purcell) on April 7 Requesting Action and a Response on Petrochemical Waste Spills & Tailing Used as Bedding for the Town of Questa Municipal Water System*
- Report on *May 19th & 20th USGS Baseline Studies Progress Meetings* held in Santa Fe, NM
- *Report on Technical Advisor Activities 2nd Quarter 2004* from Technical Advisor, Ken Klco.
- Community Meeting flyers, newspaper notice, and agenda.
- Latest edition of the RCRC Quarterly Newsletter, "Cuentos del Rio".

The Rio Colorado Reclamation Committee anticipates continued activity throughout the coming months as draft reports and other documents are released by lead agencies. RCRC takes its role as a TAG very seriously and strives to fulfill its mission with the utmost diligence.

If any questions should occur regarding the enclosed report or for any other matter, please do not hesitate to contact us.

Thank you for all your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

**Zana Halliday**
08/13/04 09:25 AM

To: Patrick Nicholson <elgaucho@laplaza.org>
cc:
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: RE: Request backup docs. on pay request

Thanks. That will work fine since your Quarterly Report is due August 15 anyway. Just send the stuff all in one package.

Have a great day and a wonderful weekend. Hope you had a wonderful vacation this summer.

Zana

Patrick Nicholson <elgaucho@laplaza.org>

**Patrick Nicholson <elgaucho@laplaza.org>**
08/13/04 08:42 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: RE: Request backup docs. on pay request

Thx Zana for the reminder. I have been out on vacation for the past few weeks. I will include backup documents for the July 15 reimbursement with next week's quarterly report.

Thx again

Patrick

-----Original Message-----
From: Halliday.Zana@epamail.epa.gov
[mailto:Halliday.Zana@epamail.epa.gov]
Sent: Monday, August 02, 2004 4:48 AM
To: elgaucho@laplaza.org
Cc: Negri.Beverly@epamail.epa.gov
Subject: Request backup docs. on pay request

Payment processed by Las Vegas Financial Center on 7/15/04 for $3,0498.87. As of this date, we have not received the backup documents to support this payment. Please submit these documents to Beverly as soon as possible.

Thank you.

Zana

Zana Halliday

08/02/04 06:44 AM

To: elgaucho@iaplaza.org
cc: Beverly Negri/R6/USEPA/US,
cc:
Subject: Request backup docs. on pay request

Payment processed by Las Vegas Financial Center on 7/15/04 for $3,0498.87. As of this date, we have not received the backup documents to support this payment. Please submit these documents to Beverly as soon as possible.

Thank you.

Zana

**Beverly Negri**

07/28/03 07:42 AM

To: William Pumphrey/LV/USEPA/US@EPA
cc: Dany Lavergne/LV/USEPA/US@EPA, Hattie Brown/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: payment request procedure

Sorry for any confusion Bill. I only received copies of the two letters sent to the Technical Assistance Grant (TAG) recipients and I did not receive any related enclosures like the U.S. EPA Payment Request Form. Does the form include a space to put the amount of the required 20% match? Were the TAG folks provided a copy of the new form? When I responded to Patrick I did tell him to use your form, whatever it was.

I admit I was confused by the letters, but I did tell my grantees to call you if they had any question about the process. I would appreciate receiving an e-mail from you that explains exactly the process that needs to be used by the TAG folks.

I really dislike it appearing that the right hand of EPA doesn't know what the left hand is doing. I want this new system to be as painless as possible for the TAG recipients. But as a TAG project Officer, I am the steward of the public's money and want to ensure the TAG folks deliver that which they have agreed to do. Down the road when (not if, but when) the IG's Office comes calling, I want them to know that I tried to be as helpful as possible to my grantees, but still remained as vigilant as possible with EPA funding.

Beverly Negri
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

William Pumphrey

**William Pumphrey**

07/25/2003 10:56 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Dany Lavergne/LV/USEPA/US@EPA
Subject: payment request procedure

Hi Beverly,

Sorry I missed your call and you're off today (Friday) and I'm off Monday, so hopefully, with this email we can get some things squared away.

I have some questions concerning the email below sent to me by Patrick Nicholson. He was confused as to drawing his funds. He was confused between ASAP draws and SF 270 submissions (electronic funds transfers).

We (Las Vegas Finance Center) did start processing Region 6 ASAP payments on 7 July, but we are not processing their electronic funds transfer (EFT) payments till 1 Aug. Both payment processes are separate.

In addition, we will no longer be using the SF 270 for payment requests (with the exception of certain agreements, i.e., construction contracts). In lieu of the SF 270 we will be using the U.S. EPA Payment Request Form. As you stated in your email, we do not want copies of backup to support the payment. This will be the responsibility of the recipient to maintain for audit purposes.

I hope this clears up some of the confusion. If you have any questions, please feel free to contact me and we can discuss when I return Tuesday.

molycorp

Thanks for all your help and support.

Bill

Bill Pumphrey
U.S. EPA Accounting Technician
Las Vegas Finance Center
Phone (702) 798-2493
Fax (702) 798-2423
Email: pumphrey.william@epa.gov
----- Forwarded by William Pumphrey/LV/USEPA/US on 07/25/03 07:21 AM -----

**Patrick Nicholson <elgaucho@laplaza.org>**
07/24/03 10:14 AM

To: William Pumphrey/LV/USEPA/US@EPA
cc:
Subject: payment request procedure

Hi Bill,

Here is the attached letter from Beverly Negri, our TAG project Officer. Plz. inform me which form(s) to use so that we may get our reimbursement request processed properly and quickly.

Thx

Patrick Nicholson
Grant Administrator
Rio Colorado Reclamation Committee

Automated Standard Application for Payments (ASAP) Lett

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

*Board of Directors*

Roberto Vigil
President

Rachel Conn
Vice President
Program Director

Hope Buechler
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Taylor Streit

Brooke Tatum

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Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco

May 10, 2004

Beverly Negri
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

RECEIVED
EPA REGION VI
04 MAY 13 PM 3:39
PROGRAMS MGMT BRANCH

Dear Ms. Negri,

Please find enclosed our first quarterly progress report for 2004. The report covers activities from January 1, 2004 through March 31, 2004. Also enclosed are Invoices from our 5/7/04 reimbursement request.

The following enclosures and deliverables are enclosed for your review:

- Invoices from our 5/7/04 reimbursement request. $ 2396.61
- *Report on January 29 Stability Review Committee Meeting, Questa, NM"*
- *Summary of Goat Hill North Mitigation Construction*
- *Letter to the EPA on February 23 Requesting Action on Petrochemical Waste Spills & Tailing Used as Bedding for the Town of Questa Municipal Water System*
- *Notes on February 27 Technical Working Group Meeting, Santa Fe, NM MMD Offices*
- *Report on Technical Advisor Activities 4th Quarter 2003 and early 2004* from Technical Advisor, Ken Klco.

The Rio Colorado Reclamation Committee anticipates continued activity throughout the coming months as initial draft reports and other documents are released by lead agencies. RCRC takes its role as a TAG very seriously and strives to fulfill its mission with the utmost diligence.

If any questions should occur regarding the enclosed report or for any other matter, please do not hesitate to contact us.

Thank you for all your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

**Beverly Negri**

04/27/04 11:55 AM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Rachel Conn <rachellconn@yahoo.com>, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: A couple of questions

Rachel,

If RCRC is planning on writing to the state environmental agencies and/or other state agencies about your concerns, I see no problems. I would suggest that you might want to wait to suggest actions for EPA until Mark has had an opportunity to get back to you on checking to see if we tested for ethylene glycol as part of the RI/FS.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Mark Purcell

**Mark Purcell**

04/22/04 05:17 PM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: A couple of questions

Hi Rachel,

I know you have a meeting this evening and I wanted to get back to you before then.

With regards to the appropriateness of contacting NM agencies, I'll have to let Beverly answer that question. I do not know if she is in the office tomorrow, but I will check with her.

Antifreeze is comprised primarily of ethylene glycol (90-95%), corrosion inhibitors and foam controllers. Ethylene glycol is produced from natural gas and is a product made primarily by oil companies. Although antifreeze is not considered a hazardous waste, ethylene glycol is a hazardous substance. I am checking now to see if we tested for ethylene glycol as part of the RI/FS. I have several information sheets on antifreeze and ethylene glycol. Please let me know if you would like a copy and I will fax them to you or mail them to you.

We are planning on holding the next community meeting in June. Right now, we are working on several community fact sheets, including fish tissue sampling results, garden vegetable sampling results and a general RI/FS update sheet. We plan to release the fact sheets in May.

I will be in Denver next Tuesday thru Friday, but back in the office the following week. Please don't hesitate to call me if you need additional information.

Mark

Mark Purcell
Superfund Division
U.S. Environmental Protection Agency - Region 6
212-665-6707

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn**
**<rachellconn@yahoo.com>**

04/22/2004 03:37 PM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: A couple of questions

Dear Beverly and Mark:

I had two questions that came up at our last board meeting on which I was assigned to followup.

Is antifreeze considered an oil/petroleum product? Regardless, have you done any testing for antifreeze contamination in waste rock piles (we have received reports of antifreeze being disposed of by burrying in the waste rock piles)?

In your opinion, are we overstepping our bounds as a TAG if we write letters to NMED / MMD and other state entities expressing our concerns?

We have a community meeting tonight and our newsletter went out last week. So things are begining move around here a little more. When is EPA planning on hosting another community meeting in Questa?

-Rachel
RCRC

---

Do you Yahoo!?
Yahoo! Photos: High-quality 4x6 digital prints for 25¢
http://photos.yahoo.com/ph/print_splash

Molycorp
TAG file

**Mark Purcell**

04/09/2004 01:02 PM

To: "Wagner, Anne" <awagne@molycorp.com>
cc: william_eaton@urscorp.com, (bcc: Beverly Negri/R6/USEPA/US)
Subject: Document Distribution

Anne,

As per my voicemail to you, I need to have copies of some recent documents sent to others for review.

1. Revised SAP for Historic Tailings Spill Investigation

Please send a copy to the following: Village of Questa (or Debra Miller of Gannet Fleming West)

Ken Klco, RCRC's Techical Advisor
Brian Shields, Amigos Bravos
Will Fetner, Office of Natural Resources Trustrees, NM
Russ MacRae, USFWS

2. Colloidal Borescope Report - March 5, 2004

Please send a copy to the following: Mike Reed, NMED
Will Fetner, ONRT
Russ MacRae

The copies to MacRae and Reed will satisfy the requirements set forth in the AOC for document distribution to NMED and USDOI.

Thanks,

Mark Purcell
Superfund Division
U.S. Environmental Protection Agency - Region 6

**Beverly Negri**

04/14/04 03:11 PM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: RE: Electronic payment Drawdown for TAG #1-98687101-0, Molycorp

----- Forwarded by Beverly Negri/R6/USEPA/US on 04/14/2004 03:11 PM -----

**Patrick Nicholson <elgaucho@laplaza.org>**

04/08/2004 10:26 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Rachel Conn <rconn@amigosbravos.org>
Subject: RE: Electronic payment Drawdown for TAG #1-98687101-0, Molycorp

Hi Beverly,

Back-up documentation was sent 4/5/04 and ought to be in your office soon. The quarterly report is due May 15th. Per our contract agreement, quarterlies are due six weeks after the last quarter. Plz. call 505.758.8626 ext. 116 or email any questions.

Thx again,

Patrick

-----Original Message-----
From: Negri.Beverly@epamail.epa.gov
[mailto:Negri.Beverly@epamail.epa.gov]
Sent: Thursday, April 08, 2004 7:05 AM
To: elgaucho@laplaza.org; rachellconn@yahoo.com
Cc: Halliday.Zana@epamail.epa.gov
Subject: Re: Electronic payment Drawdown for TAG #1-98687101-0, Molycorp

Our EPA Electronic Payment system recorded an April 2, drawdown of $2,681.34 from your TA group. Please send EPA the backup documentation for this draw. If the draw amount included payment for any Technical Assistance deliverables, you can include copies of the respective documents in your quarterly report which is due April 15.

# Río Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

RECEIVED
APR 1 PM 4:16
GRANTS MGMT BRANCH

*Board of Directors*

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Carlos Herrera

Marsha Reddell

Taylor Streit

Brooke Tatum

*Grant Administrator*

Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco

March 30, 2004

Beverly Negri
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri,

Please find enclosed the Invoices from our 3/30/04 reimbursement request.

If you have any questions, please do not hesitate to contact us.

Thank you for all your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

**Beverly Negri**

04/08/04 09:05 AM

To: elgaucho@laplaza.org, rachellconn@yahoo.com
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Electronic payment Drawdown for TAG #1-98687101-0, Molycorp

Our EPA Electronic Payment system recorded an April 2, drawdown of $2,681.34 from your TA group. Please send EPA the backup documentation for this draw. If the draw amount included payment for any Technical Assistance deliverables, you can include copies of the respective documents in your quarterly report which is due April 15.

**Beverly Negri**

04/01/04 08:33 AM

To: blalock@arkwest.com, cbbf@baysfoundation.org, dks@sopris.net, DAT@Bryanflynnobrien.com, elgaucho@laplaza.org, evergatt@nts-online.net, lalise@earthlink.net, lcasso@downtownabq.com, mfca@hern.org, pviewsfund@arkwest.com, pweeks@harc.edu, rachellconn@yahoo.com, redhow@Taosnm.com, redshoes_joy@yahoo.com, rjim@leadagency.org, rjim@neok.com, sselby@ix.netcom.com, stand@arn.net
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: e-mails to EPA Re: Technical Assistance Grants Correspondence

It appears that businesses, local, state and federal agencies have been the targets of a number of computer viruses. As a result I have gotten one or two very bad viruses on my PC in recent weeks. It has been recommended that we not open any e-mails sent to us from unknown sources.

In order to assure I receive and open all of your Technical Assistance Grant (TAG) related e-mail I am requesting that when you send me e-mail, in the "subject" e-mail header you need to write the site name for your TAG and if a TAG has already been awarded, please also include the TAG number. I will not be opening any e-mail from parties unknown to me and I don't want to miss an important message from you. Thank you for your cooperation.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

Board of Directors

Roberto Vigil
President

Rachel Conn
Vice President
Program Director

Hope Buechler
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Karen Douglas

Carlos Herrera

Marsha Reddell

Taylor Streit

Brooke Tatum

Grant Administrator

Patrick Nicholson

Technical Advisors

Steve Blodgett

Ken Klco

March 8, 2004

Beverly Negri
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri,

Please find enclosed our fourth quarterly progress report. The report covers activities from October 1, 2003 through December 31, 2003. This has been a relatively quieter period for the Rio Colorado Reclamation Committee, as our Technical Advisors have completed reports and the holidays approached.

The following enclosures and deliverables are enclosed for your review:

- The original annual MBE/WBE Report.
- Invoices from our 2/12/04 reimbursement request.
- Technical Advisor Comments on the *"Draft Sampling and Analysis Plan for Investigation of Historic Tailing Spill Deposits, Molycorp, Inc. Superfund Site, Questa NM"*
- *Report on Technical Advisor Activities 4th Quarter 2003* from Technical Advisor, Ken Klco.
- Molycorp Draft Health Education Needs Assessment Conference Call Meeting Minutes.

The Rio Colorado Reclamation Committee anticipates continued activity throughout the coming months as initial draft reports and other documents are released by lead agencies. RCRC takes its role as a TAG very seriously and strives to fulfill its mission with the utmost diligence.

If any questions should occur regarding the enclosed report or for any other matter, please do not hesitate to contact us.

Thank you for all your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

**Beverly Negri**

03/01/04 11:46 AM

To: rachellcon@yahoo.com, elgaucho@laplaza.org
cc: Zana Halliday/R6/USEPA/US@EPA, William Pumphrey/LV/USEPA/US@EPA
Subject: Molycorp, TAG # 1-98687101-0, - Rio Colorado Reclamation Committee Electronic Funds Draw

As of today, we have not received Rio Colorado Reclamation Committee's TAG Quarterly Progress Report for the period 10/1-12/31/03 (due EPA by Feb. 15, 2004.)

On 2/13/04, an electronic draw down was made for $2,301.40. No supporting documentation or invoices have been received in Region 6 to cover this drawdown. Please submit this backup documentation by 3/5/04, or we will require all future reimbursement draws to be sent to the region for approval before payments are processed by the Las Vegas financial Center.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

**Beverly Negri**

01/22/2004 02:46 PM

To: Patrick Nicholson <elgaucho@laplaza.org>
cc:
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: RE: New Technical Assistance Grant (TAG) Quarterly Report Template

Patrick,

I am sending the TAG report template as an inclusion in this e-mail. Hope this helps.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

## Technical Assistance Grant Quarterly Progress Report

**Date:**
**Report Number:**
**Report Period:**

**Site:**
**Grant Recipient:**
**Recipient Group Representative:**
**Technical Advisor:**

**Progress Received:** Report meetings, advertisements, proposals for Technical Advisors (TA), work accomplished, contracts signed, etc.

**Difficulties Encountered:** Let EPA know if (1) site work is ahead or behind schedule (2) there are any difficulties in hiring the Technical Advisor, (3) etc. In other words, let us know of any problems or difficulties you are experiencing. If you don't tell us you are having problems, we believe all activities are on track.

**Percent of project completed to date:** Time of grant project period passed related to TAG recipient group and TA's actions.

**Materials (deliverables) produced this Quarter:** Newsletters, TA reports, sign-in sheets, etc. When you report your TAG deliverables, always reference the specific Programmatic Conditions the deliverables are satisfying. Examples - "Programmatic Condition #1/ copy of newspaper notice announcing TAG award"; "Programmatic Condition #3/minutes and sign-in sheet from first community meeting of TAG group."

**Activity anticipated in next Quarter:** Remember we will expect you to address the anticipated activity you put in the Quarterly Reports.

**ASAP Drawdowns:** Report amount of and when ASAP draws were made. If deliverables were sent at same time as ASAP backup documentation, document this information in the report. Provide match documentation.

Patrick Nicholson <elgaucho@laplaza.org>

**Patrick Nicholson**
**<elgaucho@laplaza.org>**
01/20/2004 02:48 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: RE: New Technical Assistance Grant (TAG) Quarterly Report Template

Hi Beverly,

Thx. for the new Quarterly Report template. Unfortunately, the format is in WordPerfect and few of us use that word processing program any longer. If at all possible, could the template be re-sent in Microsoft Word?

Thx again,

Patrick

-----Original Message-----
From: Negri.Beverly@epamail.epa.gov
[mailto:Negri.Beverly@epamail.epa.gov]
Sent: Thursday, December 18, 2003 1:46 PM
To: cbbf@baysfoundation.org; charlie@structurex.net; dks@sopris.net; hilario@nnm.cc.nm.us; lalise@earthlink.net; mfca@hern.org; pviewsfund@arkwest.com; pweeks@harc.edu; rachellconn@yahoo.com; redhow@Taosnm.com; rjim@leadagency.org; rjim@neok.com; stand@arn.net; valerio_daniel@hotmail.com
Cc: Halliday.Zana@epamail.epa.gov
Subject: New Technical Assistance Grant (TAG) Quarterly Report Template

Attached below is a new TAG Quarterly Progress Report electronic template. You should begin using the new template with your next quarterly report.

Recently, when asked why certain deliverables have not been completed, several grantees have reported on-going problems with the status or progress of the State or EPA technical workplans. Yet, the grantees had not previously reported to me that the slow down or change in the Federal/State work was a concern or hindrance in the completion of the TAG's agreed upon award workplans. If you don't report problems, it is believed that work is happening on schedule.

In addition, we are receiving materials as TAG deliverables that do not match the required "Administrative Conditions" or "Programmatic Conditions" deliverables as listed in the TAG Award documents, or we are not receiving any TAG deliverables at all. So be sure to always complete the report section marked Materials produced this Quarter.

Hopefully, use of the new template, with its reminders and explanations

of what each category means, will help you provide us more comprehensive reports that will keep all of us on track.

(See attached file: TAG Quarterly Report Template.wpd)

Thank you for your support.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

**Beverly Negri**

01/13/04 08:26 AM

To: blalock@arkwest.com, cbbf@baysfoundation.org, charlie@structurex.net, dks@sopris.net, DAT@Bryanflynnobrien.com, evergatt@arn.net, hilario@nnm.cc.nm.us, lalise@earthlink.net, lcasso@downtownabq.com, mfca@hern.org, pviewsfund@arkwest.com, pweeks@harc.edu, rachellconn@yahoo.com, redhow@Taosnm.com, redshoes_joy@yahoo.com, rjim@leadagency.org, rjim@neok.com, stand@arn.net, valerio_daniel@hotmail.com

cc: Zana Halliday/R6/USEPA/US@EPA

Subject: The first quarter of Fiscal Year 2004 ended on 12/31/03. All Technical Assistance Grant Quarterly Reports are due before 2/15/04.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

**Mark Purcell**

12/12/2003 03:40 PM

To: Mike Reed <mike_reed@nmenv.state.nm.us>, werdencs@cdm.com
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: RCRC comment letter on Historic Tailing Spills study

----- Forwarded by Mark Purcell/R6/USEPA/US on 12/12/2003 03:40 PM -----

**Steve Blodgett**
**<fez@sdc.org>**

12/11/2003 10:21 AM

To: Mark Purcell/R6/USEPA/US@EPA
cc: douglas@nm.net, rconn@amigosbravos.org, btatum@laplaza.org, hopesmail@zianet.com, herrera02@kitcarson.net, azurite@amigo.net, marsha <redhow@taosnm.com>, Karen Douglas <minniemoomoo@comcast.net>
Subject: RCRC comment letter on Historic Tailing Spills study

Mark:
I have attached a comment letter on the Historic Tailing Spills Work Plan. If you have any questions about these comments, please contact Roberto Vigil of the RCRC.

I want to let you know that I will be taking a new job with Jemez Pueblo and will no longer be working for the RCRC as a Technical Advisor after January 1, 2004. However, I hope to remain involved as a member of the RCRC.

Steve

Historicspills Dec11.doc

**Beverly Negri**

12/29/03 07:05 AM

To: elgaucho@laplaza.org
cc: rachellconn@yahoo.com, Mark Purcell/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA, Darlene Coulson/R6/USEPA/US@EPA
Subject: Molycorp TAG Grant - #1-98687101-0 Deliverables

Patrick,

2nd reminder

We still have not received a new copy of the 11/25/03 MBE/WBE form signed in blue ink or copies of the 2003 or 2004 Financial Status reports. Thank you for your attention to this matter.

Beverly

----- Forwarded by Beverly Negri/R6/USEPA/US on 12/23/2003 07:12 AM -----

We have reviewed the 11/19/03 RCRC 4th Quarter Progress Report. We appreciate receiving all of the deliverables enclosed with the report. In the future it would help expedite the crosschecking of "Award deliverables" against the Award document's list of "Programmatic Conditions" if you would indicate on your list of enclosures and deliverables exactly what "Programmatic Conditions" (example: h. Copies of any/all information of fact sheets created by TAG recipient = A copy of the July/August newsletter, *Cuentos del Rio*) are being met by RCRC. This will help us and RCRC to ensure that RCRC is complying with the Award conditions.

I also reviewed the required reports that are still outstanding. Looking at the 11/25/03 MBE/WBE form you sent in, it appears the form is not an original. The Grants Administration Office must have an original. If you would please sign the form again in blue ink and mail it to me, I'll make sure it is forwarded.

I look forward to receiving the RCRC 2002 and 2003 Annual Financial Status Reports.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

**Beverly Negri**

12/23/2003 07:12 AM

To: elgaucho@laplaza.org
cc: rachellconn@yahoo.com, Mark Purcell/R6/USEPA/US, Zana Halliday/R6/USEPA/US, Darlene Coulson/R6/USEPA/US
cc: rachellconn@yahoo.com, Mark Purcell/R6/USEPA/US, Zana Halliday/R6/USEPA/US, Darlene Coulson/R6/USEPA/US
Subject: Molycorp TAG Grant - #1-98687101-0 Deliverables

Patrick,

We still have not received a new copy of the 11/25/03 MBE/WBE form signed in blue ink or copies of the 2003 or 2004 Financial Status reports. Thank you for your attention to this matter.

Beverly

----- Forwarded by Beverly Negri/R6/USEPA/US on 12/23/2003 07:12 AM -----

We have reviewed the 11/19/03 RCRC 4th Quarter Progress Report. We appreciate receiving all of the deliverables enclosed with the report. In the future it would help expedite the crosschecking of "Award deliverables" against the Award document's list of "Programmatic Conditions" if you would indicate on your list of enclosures and deliverables exactly what "Programmatic Conditions" (example: h. Copies of any/all information of fact sheets created by TAG recipient = A copy of the July/August newsletter, *Cuentos del Rio*) are being met by RCRC. This will help us and RCRC to ensure that RCRC is complying with the Award conditions.

I also reviewed the required reports that are still outstanding. Looking at the 11/25/03 MBE/WBE form you sent in, it appears the form is not an original. The Grants Administration Office must have an original. If you would please sign the form again in blue ink and mail it to me, I'll make sure it is forwarded.

I look forward to receiving the RCRC 2002 and 2003 Annual Financial Status Reports.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

**Mark Purcell**

12/17/2003 11:31 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: RCRC comment letter on Historic Tailing Spills study

FYI - comments from the RCRC TAs on a draft sampling plan for historic tailings spills.

M.
----- Forwarded by Mark Purcell/R6/USEPA/US on 12/17/2003 11:30 AM -----

**Steve Blodgett**
**<fez@sdc.org>**

12/11/2003 10:21 AM

To: Mark Purcell/R6/USEPA/US@EPA
cc: douglas@nm.net, rconn@amigosbravos.org, btatum@laplaza.org, hopesmail@zianet.com, herrera02@kitcarson.net, azurite@amigo.net, marsha <redhow@taosnm.com>, Karen Douglas <minniemoomoo@comcast.net>
Subject: RCRC comment letter on Historic Tailing Spills study

Mark:
I have attached a comment letter on the Historic Tailing Spills Work Plan. If you have any questions about these comments, please contact Roberto Vigil of the RCRC.

I want to let you know that I will be taking a new job with Jemez Pueblo and will no longer be working for the RCRC as a Technical Advisor after January 1, 2004. However, I hope to remain involved as a member of the RCRC.

Steve

Historicspills Dec11.doc

not a TA deliverable

**Beverly Negri**

12/18/03 02:45 PM

To: cbbf@baysfoundation.org, charlie@structurex.net, dks@sopris.net, hilario@nnm.cc.nm.us, lalise@earthlink.net, mfca@hern.org, pviewsfund@arkwest.com, pweeks@harc.edu, rachellconn@yahoo.com, redhow@Taosnm.com, rjim@leadagency.org, rjim@neok.com, stand@arn.net, valerio_daniel@hotmail.com

cc: Zana Halliday/R6/USEPA/US@EPA

Subject: New Technical Assistance Grant (TAG) Quarterly Report Template

Attached below is a new TAG Quarterly Progress Report electronic template. You should begin using the new template with your next quarterly report.

Recently, when asked why certain deliverables have not been completed, several grantees have reported on-going problems with the status or progress of the State or EPA technical workplans. Yet, the grantees had not previously reported to me that the slow down or change in the Federal/State work was a concern or hindrance in the completion of the TAG's agreed upon award workplans. If you don't report problems, it is believed that work is happening on schedule.

In addition, we are receiving materials as TAG deliverables that do not match the required "Administrative Conditions" or "Programmatic Conditions" deliverables as listed in the TAG Award documents, or we are not receiving any TAG deliverables at all. So be sure to always complete the report section marked **Materials produced this Quarter.**

Hopefully, use of the new template, with its reminders and explanations of what each category means, will help you provide us more comprehensive reports that will keep all of us on track.

TAG Quarterly Report Template.w

Thank you for your support.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

# Technical Assistance Grant Quarterly Progress Report

**Date:**
**Report Number:**
**Report Period:**

**Site:**
**Grant Recipient:**
**Recipient Group Representative:**
**Technical Advisor:**

**Progress Received:** Report meetings, advertisements, proposals for Technical Advisors (TA), work accomplished, contracts signed, etc.

**Difficulties Encountered:** Let EPA know if (1) site work is ahead or behind schedule (2) there are any difficulties in hiring the Technical Advisor, (3) etc. In other words, let us know of any problems or difficulties you are experiencing. If you don't tell us you are having problems, we believe all activities are on track.

**Percent of project completed to date:** Time of grant project period passed related to TAG recipient group and TA's actions.

**Materials (deliverables) produced this Quarter:** Newsletters, TA reports, sign-in sheets, etc. When you report your TAG deliverables, always reference the specific Programmatic Conditions the deliverables are satisfying. Examples - "Programmatic Condition #1/ copy of newspaper notice announcing TAG award"; "Programmatic Condition #3/minutes and sign-in sheet from first community meeting of TAG group."

**Activity anticipated in next Quarter:** Remember we will expect you to address the anticipated activity you put in the Quarterly Reports.

**ASAP Drawdowns:** Report amount of and when ASAP draws were made. If deliverables were sent at same time as ASAP backup documentation, document this information in the report.

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

*Board of Directors*

Roberto Vigil
President

Rachel Conn
Vice President
Program Director

Hope Buechler
Secretary/Treasurer

David Douglas

Karen Douglas

Carlos Herrera

Marsha Reddell

Taylor Streit

Brooke Tatum

*Grant Administrator*

Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco

November 19, 2003

Beverly Negri
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

RECEIVED
EPA REGION VI
03 DEC -8 PM 3:45
PROGRAMS MANAGEMENT

Dear Beverly,

Please find enclosed our fourth quarterly progress report. The report covers activities from July 1, 2003 through September 30, 2003. This has been a busy period for the Rio Colorado Reclamation Committee, as our Technical Advisors have completed reports, community meetings were held, and numerous issues demanding attention and action on behalf of the group have arisen.

There are several other enclosures and deliverables enclosed for your review:

- The annual MBE/WBE Report.
- Invoices from our 11/25/03 reimbursement request.
- A copy of our July/August newsletter, *Cuentos del Rio.*
- Community Flyer advertising our web page.
- Public Notices and flyers advertising the 9/24/03 community meeting.
- Draft Agenda of the 9/24/03 community meeting.
- Minutes from the 2/26/03 community meeting.
- *Summary of Preliminary Results of EPA Remedial Investigation Molycorp Molybdenum Mine.*
- Summary of communication between our Technical Advisor, Steve Blodgett, and Mark Purcell of the U.S. EPA.
- Technical Advisor comments on the "Proposed South of Tailings Facility Additional Sampling Program, Molycorp Site, Questa, NM".
- *Report on Technical Advisor Activities March - August 2003* from Technical Advisor, Steve Blodgett.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

Rio Colorado
Reclamation Committee

The Rio Colorado Reclamation Committee anticipates continued activity throughout the coming months as initial draft reports and other documents are released by lead agencies. RCRC takes its role as a TAG very seriously and strives to fulfill its mission with the utmost diligence.

If any questions should occur regarding the enclosed report or for any other matter, please do not hesitate to contact us.

Thank you for all your support.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

**Beverly Negri**

12/11/2003 01:40 PM

To: www.rcrc.nm.org, rachellconn@yahoo.com,
cc: Mark Purcell/R6/USEPA/US, Darlene Coulson/R6/USEPA/US, Zana Halliday/R6/USEPA/US,
cc:
Subject: 11/19/03 RCRC 4th Quarter Progress Report

We have reviewed the 11/19/03 RCRC 4th Quarter Progress Report. We appreciate receiving all of the deliverables enclosed with the report. In the future it would help expedite the crosschecking of "Award deliverables" against the Award document's list of "Programmatic Conditions" if you would indicate on your list of enclosures and deliverables exactly what "Programmatic Conditions" (example: h. Copies of any/all information of fact sheets created by TAG recipient = A copy of the July/August newsletter, *Cuentos del Rio*) are being met by RCRC. This will help us and RCRC to ensure that RCRC is complying with the Award conditions.

I also reviewed the required reports that are still outstanding. Looking at the 11/25/03 MBE/WBE form you sent in, it appears the form is not an original. The Grants Administration Office must have an original. If you would please sign the form again in blue ink and mail it to me, I'll make sure it is forwarded.

I look forward to receiving the RCRC 2002 and 2003 Annual Financial Status Reports.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

**Beverly Negri**

12/11/2003 10:18 AM

To: Rachel Conn <rconn@amigosbravos.org>
cc:
Subject: Re: Financial Status Report

As TAGs are reimbursable grants, "unliguidated obligations" is not an applicable category that you complete. It means you have obligated federal funds and have not yet paid them, therefore you need money to pay.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rconn@amigosbravos.org>

**Rachel Conn <rconn@amigosbravos.org>**

12/08/2003 05:35 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Financial Status Report

Beverly,

Thank you for faxing me the form. I am unclear what "unliquidated obligations" means. Is the balance of unspent funds? What are examples of recipient unliquidated obligations versus federal unliquidated obligations?

-Rachel

Rachel Conn
Amigos Bravos: Friends of the Wild Rivers
P.O. Box 238, Taos, NM 87571
505-758-3874 ph. 505-758-7345 fax
www.amigosbravos.org
rconn@amigosbravos.org--

**Beverly Negri**
12/03/2003 12:00 PM

To: Rachel Conn <rconn@amigosbravos.org>
cc:
Subject: Re: Financial Status Report

Sorry,

I looked at the wrong TAG. Your award date is 8/29/02. So, it is correct that the form is due on 12/31/03. I'm sorry for the confusion. Thanks for sending the back up materials.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rconn@amigosbravos.org>

**Rachel Conn <rconn@amigosbravos.org>**
12/03/2003 11:41 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Re: Financial Status Report

Beverly,

How can our TAG award date be 5/15/02? We didn't even hear that we had received the grant until late August / early September 2002.

When do you expect this form from us? If you have our award date as 5/15/02 then we should have had this form to you by 8/15/03! We had in our calendars (which we wrote in during the compliance review) that the financial status review is due on 12/31/03.

I signed the cover letter for the back up documentation and I believe that Patrick sent it in via snail mail when he made the reimbursement request. You should be receiving it soon.

-Rachel

>
>
>
> Rachel,
>
> The Financial Status Report (Standard Form 269A) is the annual report is
> due 90 days after the anniversary of your TAG award. Your TAG award
> date is 5/15/02. We'll fax you a blank copy of the form this morning.
> I'll also send a copy of the reverse side of the form which has
> instructions on how to complete it. Basically it is an annual
> accounting of the federal funds and in-kind financial outlays.
>
> Just use the last ASAP draw you guys made to help you determine the
> figures. In reviewing the EPA financial documentation, I noted that
> RCRC made an ASAP draw of $2,817.48 on 11/26/03. This latest draw makes
> a total of $16,458.66 in federal funds paid to RCRC, leaving an

**Beverly Negri**

12/03/2003 09:48 AM

To: Rachel Conn <rconn@amigosbravos.org>
cc:
cc:
Subject: Re: Financial Status Report

Rachel,

The Financial Status Report (Standard Form 269A) is the annual report is due 90 days after the anniversary of your TAG award. Your TAG award date is 5/15/02. We'll fax you a blank copy of the form this morning. I'll also send a copy of the reverse side of the form which has instructions on how to complete it. Basically it is an annual accounting of the federal funds and in-kind financial outlays.

Just use the last ASAP draw you guys made to help you determine the figures. In reviewing the EPA financial documentation, I noted that RCRC made an ASAP draw of $2,817.48 on 11/26/03. This latest draw makes a total of $16,458.66 in federal funds paid to RCRC, leaving an available balance of $33,541.34.

**I hope the backup documentation for the $2,817.48 draw has been sent to us already.** Please make sure that any technical advisor deliverables, if not included in the backup materials, are included in your next quarterly progress report.

Call me if you have any questions.

Please let Patrick know that Zana and I are thinking of him and hope all goes well with his Mother.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rconn@amigosbravos.org>

**Rachel Conn <rconn@amigosbravos.org>**

12/02/2003 01:06 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Financial Status Report

Beverly,

What exactly does the financial status report entail? (I know that it is due at the end of the month).

Can you fax me the form if there is one. (Patrick's mother is very ill and he is visiting her so I am unable to access our folder with the forms- which he has) Fax number 505- 758-7345

Happy Holidays.

Rachel Conn

EPA

United States of America
Environmental Protection Agency

# A FAX FROM: Region 6

| TO: | FAX NO: |
|---|---|
| Rachel Conn | 505.758.7345 |

SUBJECT:
Financial Status Report Form

| FROM: | PHONE NO: |
|---|---|
| Beverly Negri | 214.665.8157 |
| **OFFICE:** | **FAX NO. FOR:** |
| Program Management Branch | 214.665.6660 |

COMMENTS:
blank copy of the Financial Status Report Form attached along with instructions

| DATE and TIME: | NO. OF PAGES |
|---|---|
| 12/03/2003 10:38 AM | 3 |

EPA Form 1315-18 (Rev. 5/97) (E~Forms 4.4)

**Beverly Negri**

09/05/03 06:16 AM

To: Duke Ducote/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
cc: Mark Purcell/R6/USEPA/US@EPA
Subject: Molycorp Talking Points - Questa Municipal Water

If you get calls from the community, please send them to Mark or me if he isn't in the office. As always, press calls go to Bary and Fanning.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

----- Forwarded by Beverly Negri/R6/USEPA/US on 09/05/2003 06:14 AM -----

**Wren Stenger**

09/04/2003 06:04 PM

To: Terrie Mikus/R6/USEPA/US@EPA, Beverly Negri/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA, David Bary/R6/USEPA/US@EPA
cc: Donald Williams/R6/USEPA/US@EPA, Sing Chia/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: Molycorp Talking Points - Questa Municipal Water

Please note that we may get calls on Molycorp Monday as a result of a meeting Friday evening. Please forward to others as needed in external affairs. THanks

**"Dyken, Jill J" <Azd9@cdc.gov>**

09/04/2003 03:23 PM

To: "Hayes, Lisa" <lih1@cdc.gov>, Patrick Young/R6/USEPA/US@EPA, "McEachern, D. E. (Elaine)" <Arp3@cdc.gov>, "Tsai, Shan Ching (Shan-Ching)" <sxt2@cdc.gov>, "Larson, Kristina" <Kil1@cdc.gov>, "Luker, Lovyst" <lah8@cdc.gov>, "Joseph, Debra" <Doj7@cdc.gov>
cc: "Rodenbeck, Sven" <svr1@cdc.gov>, "Cooper, Barbara" <Bic1@cdc.gov>, Mark Purcell/R6/USEPA/US@EPA
Subject: Molycorp Talking Points - Questa Municipal Water

Hi all,

EPA has just received confirmation that Questa municipal water lines were backfilled with tailings from the Molycorp mine. According to Mark Purcell, the RPM, they don't know the extent, but possibly the entire original system (from 1968) was backfilled. In addition, EPA has received results from the residential tap well sampling that was done last month and there were some detections of molybdenum and some other metals. The Village of Questa is holding a meeting on this tomorrow (Friday) at 6:00 pm in the city offices and we should expect community and media interest. I will be out of the office tomorrow, but I have prepared some talking points in case any of you are contacted with questions.

1. Based on the available data, **there is no immediate health risk posed from drinking the Questa municipal water.** EPA has provided ATSDR with the tap water sampling results. Based on this limited data, none of the contaminants detected were at levels of health concern. The levels of molybdenum detected in the wells (highest level detected around 7 micrograms per liter) are well below the level generally considered safe for long-term exposure (50 micrograms per liter). The levels of other metals detected were also lower than health-based guidelines.
2. **ATSDR will continue to investigate public health concerns regarding the municipal water.** ATSDR will evaluate whether contaminants that may intermittently enter the public water supply from backfilled tailings could increase the risk of short- or long-term health effects to the public.

Please let me know if you are contacted by community members or media regarding this matter. Thanks,

Jill

**Jill J. Dyken, Ph.D., P.E.**
**Environmental Health Scientist**

Agency for Toxic Substances and Disease Registry
Division of Health Assessment and Consultation
Mailing Address: 1600 Clifton Rd. NE, Mailstop E-32, Atlanta, GA 30333
Delivery Address: 1825 Century Boulevard, Atlanta, GA 30345

phone (404) 498-0428
fax (404) 498-0792

email: JDyken@cdc.gov

**Beverly Negri**

09/05/03 06:13 AM

To: marsha <redhow@taosnm.com>
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Re: about RCRC Lobbying

There was a document on lobbying that was part of the Award document RCRC received. If you can't locate that form, let me know.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

marsha <redhow@taosnm.com>

**marsha <redhow@taosnm.com >**

09/04/2003 06:21 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: about RCRC Lobbying

Hi Beverly, After the other night meeting, you were discussing the Issues of lobbying. Do you, and could you send any information and guidelines to help us along those lines.
Respectfully, Marsha Reddell.

$134,000/2087 (hours per year) = $64.20 per hour X 8 hours per day = $513.60 per day.

This revised guidance also allows for the payment of hourly rates ($64.20 per hour) should the consultant bill in that manner.

If the recipient chooses to exceed the $513.60 daily maximum (or cap) or the hourly limit of $64.20, they must use their own funds (not including any required recipient cost sharing funds) to pay the difference.Note: If Indirect Cost Rates are specified in the assistance agreement they can only be applied to allowable costs, not on amounts in excess of the caps ($513.60/day or $64.20/hour). EPA will only allow $513.60/day or $64.20/hour to be paid from assistance funds. It should be noted that in both 40 CFR Parts 30 and 31, the consultant rate excludes overhead costs and transportation and subsistence costs for travel performed (recipients may pay these in accordance with their normal travel reimbursement practices).

Finally, unallowable portions of consultant payments are not allowable for cost sharing purposes.

## 5. ROLES AND RESPONSIBILITIES:

It is the Grant Specialist's responsibility while reviewing grant applications to check for any indication of potential use of consultants. Where either contractual funds or use of consultants are indicated, the "Consultant Fee" Term and Condition (below) should be included in the award document. Also, protocols for both On-Site and Desk Reviews require grant specialists to verify that consultant fees, where applicable, do not exceed the current hourly or daily limits.

## 6. AWARD CONDITION:

The Headquarters consultant fee Term and Condition currently available from the Integrated Grants Management System (IGMS) which was created by Region IX, is shown below:

| | ***Award Conditions*** |
|---|---|

| | |
|---|---|
| **Short Title:** | A28) INDIVIDUAL CONSULTANTS |
| **Type:** | Administrative |
| **Owner:** | EPA R9 |
| **Media:** | |
| **Program:** | |
| **Group:** | |

Payment to consultants. EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2003, the limit is $513.60 per day and $64.20 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in this part are not affected by this limitation. See 40 CFR 31.36(j)(2) or 30.27(b), as applicable.

## 7. ANTICIPATED OUTCOMES/RESULTS:

Payment of consultant fees under EPA assistance agreements will be both legal and consistent at Headquarters and in the Regions.

For example: If a consultant bills for 3 days of service the EPA assistance agreement will cover up to $1,540.80. However, if the consultant bills for 3 days @ $2,000.00/day, EPA will only cover the maximum daily rate for a 3 day total of $1,540.80.

Further, should a consultant bill for only 3 hours of service for a given day, the EPA assistance agreement will allow payment of 3 X $64.20 or $192.60. Conversely, if the consultant bills for 10 hours in a given day, only the maximum daily rate of $513.60 can be paid with assistance funds (**NOT** 10 X $64.20 or $642.00). EPA will only allow the maximum daily rate of $513.60. Here again, if the recipient chooses to pay a higher rate, other than the Federal payment allowed (or required recipient cost sharing funds), other funds must be applied.

## 8. AUTHORITY:

The Consultant fee limit first appeared in Section 409 of the Fiscal Year (FY) 1978 Appropriations Act for the Department of Housing and Urban Development (HUD) and other independent agencies, including EPA. Pub. L. 95-119 (October 4, 1977). The consultant fee limit in Section 408 of the FY 02 HUD and Independent Agencies Appropriation Act, Pub. L. 107-272, is identical to that contained in the FY 79 appropriations act except that the limit is based on the equivalent of the daily rate for a Federal employee at the ES IV level.

In addition, 40 CFR § 30.27(b) and an associated grant condition implements the cap in grants made to non-profit organizations and universities. Grants to governmental bodies are covered by 40 CFR § 31.36(j)(2).

**Beverly Negri**

09/10/2003 08:41 AM

To: cbbf@baysfoundation.org, charlie@structurex.net, dks@sopris.net, hilario@nnm.cc.nm.us, lalise@earthlink.net, mfca@hern.org, pviewsfund@arkwest.com, pweeks@harc.edu, rachellconn@yahoo.com, redhow@Taosnm.com, rjim@leadagency.org, rjim@neok.com, schaefer@swcp.com, stand@arn.net, valerio_daniel@hotmail.com
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Grants Policy Issuance (GPI-03-02) for Consultant Fees

Please note the new Grants Policy Issuance (effective on October 1, 2003) that clearly outlines that if a federal grant recipient hires a consultant, i.e. a Technical Advisor (TA), any TA pay rate over the allowable $64.20 per hour X 8 hours per day = $513.60 per day cannot be paid for with grant funds. If the TAG recipient chooses to exceed either the $64.20 hourly rate or the $513.60 daily rate, the TAG must use their own funds, not including any recipient cost sharing (match/in-kind) to pay the unallowed pay rate difference.

Fortunately, this new Policy Issuance impacts only two of the Region 6 TAG recipients. Please be advised that as of October 1, 2003, we can only allow the pay rate of $64.20 per hour for your TAs.

---

September 8, 2003

**MEMORANDUM**

Subject: Grants Policy Issuance (GPI-03-02) for Consultant Fees

From: Lynda F. Carroll /s/ Lynda Carroll
Assistant Regional Administrator
for Management (6MD)

To: Division Directors/Regional Counsel

Attached is a memorandum from the Grant Administration Division, and a revised Grants Policy Issuance (GPI-03-02) for "Consultant Fees Under EPA Assistance Agreements". EPA will allow a maximum of $513.60/day or $64.20/hour for consultants to be paid from assistance funds. The grants policy becomes effective on October 1, 2003, and is available on EPA's Office of Grants and Debarment intranet site at:

"http://intranet.epa.gov/ogd/policy/7.0-GPI-Topics.htm"

The policy clarifies the payment of consultant fees and shows how to calculate partial daily or hourly rates where applicable. Recent on-site reviews revealed that consultant fees were exceeding the allowable limits and grantees were paying excess charges with grant funds. This policy makes it clear that if grantees choose to exceed the allowable limits they must use their own funds to cover the difference.

The regional Grants Management Office will update the rates on the administrative checklist for review of grant applications, notify applicants during pre-award meetings, and modify the term and condition for consultant fees, in the IGMS database. I am requesting that

you provide this information to your grants staff for future reference. Should you have any questions, please call me or contact Hattie Brown at 5-7423.

Attachment

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**GPI-03-02**
**JULY 31, 2003**

# CONSULTANT FEES UNDER EPA ASSISTANCE AGREEMENTS

## 1. PURPOSE:

This guidance updates, consolidates and clarifies the payment of consultant fees under the Environmental Protection Agency's (EPA) assistance agreements. The guidance also shows how to calculate partial daily or hourly rates where applicable.

## 2. BACKGROUND:

Historically, EPA's Appropriation Legislation requires the maximum daily rate for consultant fees be limited by the current rate of pay for Level IV of the Executive Schedule (formerly GS-18). The maximum daily rate (or cap) is the highest daily amount that can be paid using EPA grant funds.

## 3. DEFINITIONS:

–Consultant Note: EPA's grant regulations exempt consulting contracts awarded to firms or individuals under procurement procedures which comply with the standards contained in the regulations from the consultant fee cap (40 CFR 30.27(b); 40 CFR 31.36(j)(2)).–

A person who has expertise in a particular field (specialized skills) and who serves solely in an advisory capacity and is paid at a daily or hourly rate. A consultant primarily provides views or opinions on problems or questions presented by the recipient. The term consultant, as used here also includes experts or persons with excellent qualifications and a high degree of attainment in a professional, scientific, technical, or other field. An expert's attainment is such that he or she is usually regarded as an authority or as a practitioner of unusual competence and skill by other individuals engaged in the same profession, occupation, or activity.

## 4. POLICY:

The current rate of pay for Level IV of the Executive Schedule for 2003 is $134,000 per year. Therefore the revised maximum daily rate is $513.60, as follows:

**Beverly Negri**

09/19/2003 08:15 AM

To: David Douglas <douglas@nm.net>
cc: Mark Purcell/R6/USEPA/US,
cc: douglas@nm.net
Subject: Re: Rio Colorado Reclamation Committee Quarterly Newsletter

David,

The newsletter and webpage are very informative and attractively presented. May I suggest that in the next newsletter, my contact information also be added as I am the Community Involvement Coordinator for the site? Your contact information for the mine issues on the last page of the newsletter was well presented (non-lobbying).

Other than the website, how is the newspaper being distributed? If you would like to use the EPA mailing list I have previously sent you, that would not be a problem. Any mailing costs can be charged back to the TAG as long as you stay within your budget figures.

Might I send an electronic copy of the newsletter to some of my other TAG organizations?

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

David Douglas <douglas@nm.net>

**David Douglas**
**<douglas@nm.net>**

09/18/2003 12:53 PM

To: douglas@nm.net
cc:
Subject: Rio Colorado Reclamation Committee Quarterly Newsletter

Greetings --

The Rio Colorado Reclamation Committee has launched its newsletter "Cuentos del Río". Attached is the first copy. We hope you find it informative.

Our newsletter can also be found on our website: http://rcrc.nm.org/
Click on "Cuentos del Rio".

If there is someone else who you think should receive this newsletter, please reply to this message with their name and email address.

To remove yourself from this list, please reply to this message.

Thank you.

cuentos-del-rio-3rd-qtr-2003.p

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Rio Colorado Reclamation Committee
P.O. Box 637
Questa, New Mexico 87556
info@rcrc.nm.org
http://rcrc.nm.org

provides a voice during this arduous process for any interested individuals who may have ever been directly affected by the Molycorp mine's activities either through proximity, business dealings or employment. This includes anyone residing, owning property or a home or business in the Questa area (including Cerro, El Rito and Latir, Costilla, Red River, Lama, San Cristobal, Taos and points in between) and anyone who currently works or has ever worked at the mine, with the exception of officials from the mine or the Village Administration, which may join or attend as citizens only, not in any representative fashion on official business. Many of the more successful TAG groups have been in existence for a dozen years or more, and work best when they count membership from a cross-section of people in the affected area who work hand in hand with local government, businesses, economic development agencies and health agencies, but the most important voices are those of the concerned citizens in the affected area. As you might expect in dealing with government agencies, and based on our experience so far, the squeakiest wheels get the grease. Beverly Negri, our EPA TAG Project Officer, stated at the last EPA community meeting in Questa in August that RCRC is the most active TAG group she has ever worked with. We are committed to participate in the process to try to ensure the most beneficial solutions for the health and economic welfare of the people of Questa and other affected communities, for this and future generations. We encourage you to play a part in the unfolding of the future of Questa by participating in this process. Please join us!

All the reports we have commissioned are displayed on our website, which is: www.rcrc.nm.org. If you are interested in obtaining copies of these reports there is also a repository in the Questa Village Office, or you may contact RCRC at:

Rio Colorado Reclamation Committee
PO Box 637
Questa, NM 87556
or by email at info@rcrc.nm.org

## What The Heck Is An RI/FS?

RI/FS is the acronym for Remedial Investigation/Feasibility Study, a comprehensive process of describing all the physical and chemical aspects of the site, identifying all chemicals of concern found, in this case, at the Molycorp mine and mill tailings facility, identifying all physical conditions that may impact worker and/or public health, and development of a series of alternative actions that would remove, mitigate, or improve the conditions described to result in safer and cleaner environment at the site and those land areas near the site in question. In the case of the Molycorp mine and mill tailings facility, the first step in developing a RI/FS is to organize and review all site studies regarding rock, soil, air, and water analysis from the actual mine and tailings areas and neighboring lands including the Red River, outfalls from the tailings dams, monitoring wells on private property bordering the sites, air quality monitoring stations, ponds, lakes, irrigation ditches, and other locations identified by the EPA, State of New Mexico environmental specialists, Molycorp personnel, and the community at large.

The development of an accurate picture of the site and its particular geological, geochemical, and geophysical parameters evolves from a compendium of studies performed by a number of different investigators including Molycorp and several private environmental consulting firms over the past decade. These investigations include on-site field studies involving drill cuttings, pit excavations, and water sampling programs to define the type and amounts of metals, organic, and inorganic pollutants that may be found at the site and that may be moving into neighboring lands and waterways.

One important study currently underway by the United States Geological Survey, under contract by Molycorp, is to determine the "baseline" geochemistry of the Red River and its numerous drainages predating the initiation of mining activity in the Red River district. The outcome of this study will have major impact on the level of clean up standards to be met by Molycorp at the cessation of mining activities.

The RI/FS not only describes the chemistry of concern regarding public health and worker exposures, but also defines the pathway(s) of exposure to various pollution sources to man and animal. RI/FS contains detailed information on the methods of sampling, locations, numbers of samples, and types of samples, laboratory techniques utilized for analysis and interpretation, and the protocol to insure quality and consistency in sampling and analytical result, termed Quality Control-Quality Assurance (QC/QA).

Finally, the RI/FS process should result in a series of alternative actions to be negotiated and decided upon between Molycorp, state and federal agencies, and the public, to be taken to address the conditions as described in the study resulting in improved levels of safety and health for site workers, neighboring land owners, and the downstream communities affected by the mining and milling operations of Molycorp. The RI/FS is the "meat and potatoes" portion of the Superfund process addressing the development of accurate models to understand the type and amount of pollution and the necessary action(s) to be taken by the mine operator.

It is in the best interest of the public to be actively engaged in the development of the RI/FS, from identifying sampling locations to understanding the site conditions and modeling to negotiating the best possible action(s) to be taken. The RI/FS is a long and arduous process and will take a number of years and many public meetings to reach fruition. The Rio Colorado Reclamation Committee (or TAG group) has hired technical advisors (Ken Klco, the author of this piece and Steve Blodgett so far) to attend meetings with EPA representatives, mine representatives, and their technical folk to get information to help the community form our own opinions on the process (which we discuss in our own community meetings) and to take our agreed upon comments and suggestions back to the other involved parties. This is the only real way that the affected communities have a say so in the RI/FS process. RCRC is dedicated to being actively engaged in the RI/FS process and we urge our friends, neighbors and fellow citizens to get informed, involved and speak up in the evolution of this process, as it will

Río Colorado Reclamation Committee

# Cuentos del Río

El Río es Vida! - The River is Life!

Vol. 1 No. 1 July/August/September, 2003

## How the Río Colorado Reclamation Committee Came To Be

The Molycorp molybdenum mine in Questa is an official Superfund site, which means that the US Environmental Protection Agency has identified the mine site as one of the most potentially polluted sites in the country. In an agreement between Molycorp and the EPA, Molycorp signed what is called an AOC (Administrative Order on Consent) wherein the mine agreed to put up a two million dollar bond to guarantee payment for the RI/FS (Remedial Investigation/Feasibility Study) and for this the EPA agreed that Molycorp would not be placed on the National Priorities List (a list of the MOST potentially contaminated Superfund sites in the nation). The RI/FS is now under way to determine the amount of pollution, who is affected and how, and the possibilities for cleaning up and making the area safe, for humans and the environment.

The Rio Colorado Reclamation Committee was formed by a group of local people concerned about the ramifications of the EPA Superfund investigation. In an EPA informational meeting in June 2000, we learned about the EPA Technical Assistance Grant program (TAG), which would enable the group to hire scientists and engineers who could help the public understand and participate in the process. RCRC filed a letter of intent to apply for this grant, along with two other area groups, but we were the only group to doggedly pursue the long, demanding grant process. We were finally awarded the TAG grant in September 2002 after obtaining our simple non-profit status from the state in August of 2002. Throughout this period we publicized our process on fliers posted in the community and at several meetings held in conjunction with other community groups.

One of the requirements of applying for the TAG grant was organizing a Board of Directors, which was assembled by asking concerned people we saw repeatedly at meetings to serve. Board members are not paid in any way for their service. As provided in the grant, RCRC members must earn in-kind work hours valued at $12,500 for each $50,000 grant. Some of the ways board members earn in-kind hours are attending board and community meetings, creating and maintaining our website, making and distributing fliers, and taking interested agency representatives on field trips showing them areas of concern in the community.

Among RCRC's accomplishments so far are:

1) We hired a grant administrator, Patrick Nicholson.

2) We also hired two technical advisors: Steve Blodgett and Ken Klco (who both have experience working on the cleanup of mining Superfund sites). Our TAs are able to attend technical meetings at which the public is not allowed, to review each proposed EPA plan, to translate it into language understandable to the non-technical person, offer suggestions and alternative ideas to the plan, and to write reports incorporating the members' suggestions to be considered in final decisions made by EPA. This helps us participate much earlier in the process than if we had to wait to appeal EPA's decisions, plus the TAs keep us informed on the very latest ideas and discussions coming out of the technical meetings, which include scientists from the EPA, the state regulatory agencies, and Molycorp.

3) We held our first community meeting on February 26, 2003.

4) Board members have attended a training workshop hosted by the EPA on grant administration and reporting, and a national TAG conference in Albuquerque for newer groups to learn from more established ones. Members have also represented RCRC at Technical Review Committee meetings (which are held in Questa, are open to the public and which include representatives from Molycorp, New Mexico Environment Department, NM Mining and Minerals Division, EPA, and local community and environmental groups), EPA meetings, ATSDR meetings and other public meetings.

5) RCRC played a major role in having the first public health assessment by the Agency for Toxic Substance and Disease Registry (ATSDR) withdrawn and a new assessment begun, and also having our first ATSDR site leader, who was responsible for the first report, replaced. (See ATSDR article for details.)

6) RCRC has commissioned reports on behalf of its members on draft plans submitted by the EPA and comments to the EPA. These include our comments on the Public Health Assessment written by ATSDR, our response to the RI/FS work plan, comments on the Goat Hill North/Capulin waste rock dump stability situation, and our recommendations for additional environmental sampling in the area of Alta Vista Elementary School.

7) RCRC informed NMED, EPA and ATSDR that we believed that the village water lines were bedded with tailings (we had photos and broken pipe as evidence- and Questa residents had reported this concern to the Village Administration previously). As a result of our prodding, EPA and NMED took split samples of 5 different residential taps connected to the Village water system. This predated the recent "discovery" by village officials that the lines were indeed embedded in tailings. The results of the testing will be received sooner rather than later due to our persistence.

We have learned from other TAG groups across the country that the Superfund RI/FS process, the ROD (Record Of Decision declared by the EPA at the conclusion of the investigation) and ultimate clean-up can take more than a decade. The RCRC

surely affect the future health and welfare of Questa and surrounding communities.

## Our Voices Can Make A Difference - RCRC Plays A Major Role In Withdrawal of Flawed ATSDR Report

What is the ATSDR and why should you care? The ATSDR is the Federal Agency for Toxic Substances and Disease Registry. You should care because Congress mandated that ATSDR do a Public Health Assessment (or PHA) at each Superfund site in the country. This PHA, in our case, is to determine if there are any past, present or future health hazards caused in any way by Molycorp at the Questa Mine Site, in the area including the mine, the Village of Questa, and the surrounding vicinity.

ATSDR issued a PHA on September 24, 2002, with a public comment period deadline of November 13, 2003. As we later learned, in drafting the PHA, an ATSDR Site Team, (which includes everything from environmental engineers and toxicologists to environmental education specialists) is supposed to visit the impacted area, hold a community meeting to explain what a PHA is and the process by which it is done, provide confidential "one-on-one" time for anyone who wants to provide their health information, and provide a toll-free number for anyone who wants to call them in confidence. The team also examines various reports and data relevant to the existence of possible contaminants and pathways through which the contaminants might enter the body. After drafting the PHA, aside from providing it to various governmental agencies, copies are supposed to be provided to the RCRC (as part of its Technical Assistance Grant from the EPA) as well as to any area residents on a mailing list compiled by the EPA (who signed up at community meetings).

The problem is that most of the above was never done. Members of the RCRC learned in late February 2003, more than 3 months after the public comment deadline, that this PHA was drafted and released after only one ATSDR team member made a brief, unannounced visit to the area, with no community meeting, no opportunity for the public to give their health information or related concerns. This PHA was based on reports and data provided mostly by the EPA, information usually drafted by Molycorp or one of its contractors. And once done, no one in the "impacted area" received a copy of this assessment.

Members of the RCRC began investigating. We called and e-mailed ATSDR for several weeks before receiving any response. When ATSDR's site team lead for Questa finally contacted a member of the RCRC on March 25, she was stunned that we had not received copies of this report. After investigating, the site team lead again called, stating that to her embarrassment a page of the mailing list had been lost. Interestingly, this was the page which contained the names of RCRC members and Questa area residents. She agreed to reissue the report, setting up a new comment period, but we did not feel this was good enough. How, we asked, could the ATSDR issue a Public Health Assessment, based not on the "usual process" outlined above, but on the minimal investigation they had done, and conclude that they found no connection between any actions by the Mine and any present or future potential health problems in Questa? The report was seriously flawed and could not stand up to even the most cursory scrutiny. ATSDR agreed that the initial PHA had problems but offered only to open the report for further editing. The RCRC thought that the report should be trashed and a new public health investigation begun.

After numerous phone calls and a blizzard of email messages from concerned citizens, ATSDR agreed to come to Questa in late June to investigate possible health problems, something they were supposed to do in the first place but never did.

They set up a community meeting to apprise everyone of their purpose and to seek more input from affected residents. The RCRC arranged a meeting with ATSDR and community-based groups the night before. At this meeting were members from the RCRC, representatives from the Questa Clinic, the Taos County Public Health Service, the School Board, the Red River Watershed Group, the Village Council, and other groups. At this meeting, ATSDR announced that they were going to withdraw their initial PHA and start all over and acknowledged that the entire situation had been handled badly. The PHA was withdrawn, and June 24 was the date for a fresh start. With that battle won, we could all get down to the work that meant the most: having a Team who would be working on the Questa Site PHA hear our concerns, our experiences, and learn something about our area. And boy did they ever learn! Between the meeting that evening and a tour of Questa that we arranged for the next afternoon, ATSDR got a short course about life in Northern New Mexico. They learned about the acequia system and its importance in local everyday life, something not even considered in the first PHA. And we showed them a site, complete with pictures and cracked pipe, where the Village water system had been backfilled with tailings-a concern which RCRC members and numerous other Questeños had been expressing to NMED and EPA for quite some time. On this tour were the ATSDR team, NMED, EPA and members of the RCRC. On the whole, this group listened, asked many questions, and seemed truly surprised by what they were seeing and hearing. Molycorp also gave ATSDR a tour of the mine during their visit.

Thanks to the efforts of RCRC members and many concerned citizens, ATSDR's visit to Questa proved to be very productive. Our voices have been heard and we have made a difference.

In late August, ATSDR came to Questa again, this time with a new site lead, one who seems ready and willing to work with the community. To date, we are pleased with the progress that has been made. However, our work is not done. Residents of communities near the mine are strongly urged to participate in this study. This is an ongoing study and people in these communities and anyone, anywhere, who worked for the mine at any time who think they may be suffering from any health problems are urged to contact ATSDR for a confidential interview. ATSDR can be reached toll-free at 1-888-422-8737 or by email at ATSDR@cdc.gov.

Please help build on our successes. Our voices can make a difference.

## Contact Information for Molycorp Mine Issues

**U.S. EPA**
Mark Purcell
EPA, Region 6 (Dallas)
214-665-6707

**ATSDR**
Debra Joseph
(888) 422-8737

**New Mexico Environment Dept**
Mike Reed, Molycorp Permit Lead
Ground Water Quality Bureau
505-827-2340

Al Pasteris, Surface Water Bureau
505-827-2575

Jerry Schoeppner, Chief, Ground Water Quality Bureau
505-827-2919

Sandra Ely, Chief, Air Quality
505-827-1494

Ron Curry, Secretary, NMED
505-827-2855

**Mining and Minerals Division**
Holland Shepherd, Program Manager
505-476-3437

Karen Garcia, Bureau Chief, MMD
505-476-3435

Bill Brancard, Director, MMD
505-476-3405

**Elected Officials**
Congressman Tom Udall
505-984-8950 (Santa Fe office)

Senator Jeff Bingaman
505-988-6647 (Santa Fe office)

Senator Pete Domenici, Sr.
505-988-6511 (Santa Fe office)

State Senator Carlos Cisneros
505-586-0873 (home)

Mayor Charlie Gonzalez
505-586-0694 (office)
505-586-1589 (home)

Governor Bill Richardson
(Contact: Hillary Tompkins, Deputy Counsel)
505-476-2222

**Other Contacts**
Tom Gorman, Office Of Emergency Management
505-476-9600

Ben Neary, Reporter
*Santa Fe New Mexican*
505-986-3035

William Maxwell, Reporter
*Taos News*
505-758-2241

**The Río Colorado Reclamation Committee will hold its next Questa Community Meeting on Wednesday, September 24, 2003 in the La Cienega Community Center at 7:00pm**
***Please Mark Your Calendars and Plan to Attend this Important Meeting.***

Río Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico.

Stamp

P.O. Box 637 • Questa, NM 87556

# Program Review Protocol, Technical Assistance Grants

| Preliminary Areas for Review | | | |
|---|---|---|---|
| *Purpose of Post Award Monitoring* | On-Site Visit Evaluation | *Date* | 8/26/03 |
| *Cooperative Agreement Number* | 1-98671001-0 | *Award Date* | 8-29-02 |
| *Project Title/Name* | Molycorp Mine Site | | |
| *Name of Recipient Project Manager* | Roberto Vigil, President & Rachel Conn, Program Director | | |
| *Location of Recipient's Offices* | Questa, NM | | |
| *Names and Titles of EPA Staff Reviewers* | Beverly Negri<br>Zana Halliday<br>Dan Hochstetler | TAG Project Officer<br>TAG Assistant<br>Compliance Officer, CIC | |
| | | Project Manager | |
| *Names, Titles, Phone Numbers of Recipient Representatives Interviewed* | Rachael Conn - RCRA Program Director,<br>Patrick Nicholson, TAG Administrator | 505-758-7345<br>505-751-3063 | |
| | | | |
| *Total Budget for the Recipient's Project* | $62,500 | *Total Federal Funds* | $50,000 |

| Core Areas for Review | Comments |
|---|---|
| *Equipment Purchased?*<br>*If yes, is it being used for the project?* | no equipment has been purchased with TAG funds; RCRA did secure PCs from a state agency that provides PCs to non-profit groups and EPA will pay for modems for use with the PCs. |
| *Are the staff whose salaries are included in cost reimbursement request justification working on project?* | |
| *Work Plan*<br>*Project on schedule?*<br>*Will extension be needed?*<br>*Does scope/work plan need to be updated?*<br>*Barriers to work plan accomplishment?* | Project is on schedule. Two TAs hired. PCs installed and RCRC web page functioning. TAG group participated in EPA community meeting on 11/02, 6/24 and 6/25. .EFS in place along with ASAP.<br>Scope of work does not need revision. |
| *Fund Expenditure*<br>*Does level of fund expenditure reflect amount of work accomplished to date?*<br>*Will some funds remain unexpended?*<br>*Receipts?*<br>*Adequate budget records?* | Expenditures of funds is appropriate with level of work completed. With 2 years remaining on the project period it is too early to determine if funds will remain on the TAG.<br>Grantee is keeping good records on expenditures and maintains a ledger sheets for all receipts. Their budget records are very adequate and include in-kind costs. |
| *Work adhering to Terms and Conditions?*<br>*QMP up to date?*<br>*QAPPs submitted/approved, if applicable?*<br>*All Quarterly Reports submitted?*<br>*All MBE/WBE reports submitted?*<br>*All FSRs submitted?*<br>*Other Terms and Conditions?* | No QMP or QAPPs required for grant.<br>Three quarterly reports hve been submitted as required. Report due 10/30/03<br>FSR not yet due. |
| *Organization adhering to regulatory requirements?*<br>*Competitive process used to procure professional services?*<br>*Other?* | Procurement of TA utilized the competitive process very well. Provided grantee a copy of the 40CFR 30/31. TA's salary figures are within allowable EPA limits. |

**Follow-up Actions** Group needs to provide EPA with backup documentation when ASAP forms are sent to LVFC. Group was cautioned

# Evaluative On-Site Visit Report, Technical Assistance Grants

*Report Author.* Beverly Negri (6SF-PO)

*Overview of On-Site Visit.* (Who? What? Where? When?)

EPA Region 6 Technical Assistance Grant (TAG) staff (Beverly Negri, Zana Halliday and Dan Hochstetler) participated in the site TAG compliance review.
Two attendees from the TAG recipient group participated in the review (see names above).
Visit was held on 8/26 in Taos, NM.

The TAG Compliance for the Molycorp TAG meeting participants were Rachel Conn, Patrick Nickelson (RCRC TAG), Beverly Negri, Zana Halliday and Dan Hochstetler. With only a couple of deliverable items missing which will be sent to the EPA, the compliance review went well. Documents which the EPA did not have were provided at the meeting, satisfying the compliance review. There was however, a discussion with the TAG recipients and Dan Hochstetler and Beverly Negri as to the participation and definition of lobbying. It was made clear that several documents and activities they've done have the perception of being considered lobbying to the State Governor, Secretary of State of New Mexico, and to representatives of Congressman from New Mexico. When the team had concluded its compliance review, Patrick was still not convinced of what lobbying is really defined as. EPA will continue to maintain a close eye on their future activities to ensure that lobbying or the appearance of lobbying does not occur. The RCRC TAG group passed the compliance review for this year.

*Work Plan/Scope of Work.*
What are they doing? - RCRC has completed all deliverables possible up to this date. Deliverables have been received as agreed on in the Award document.

What are they planning to do? - The group continues to participate in all EPA and ATSDR community meetings and have held several TAG sponsored meetings in the community. As each meeting they invite community members to join the RCRC. They hired two TAs and the TAG Administrator in December 2002. Records are being maintained by RCRC and the new TAG Administrator is very conversant with Federal grant requirements.

What have they committed to doing? - All TAG Programmatic deliverables a. through n. have been completed and EPA has received copies of TA's written responses.

Level of fund expenditure ($43,506 monies left in grant) is still low compared to amount of work accomplished.

A QMP is not required for TAGs.

Quarterly Reports Status: All three reports have been submitted as required. Annual FSR due on 11/03.

MBE/WBE form submital:. Due on 10/30/03.

*Results of On-Site Visit.*

Findings - RCRC is accomplishing work as agreed. Several letters and invitations to community meetings have the appearance of "lobbying". The group was cautioned to steer clear of this problem and several examples were provided to them as to exactly what documents could be construed as "lobbying documents" We assured RCRC that as private individuals, they could lobby their elected officials as much as they wanted to, but they need to be very cautious with Federal funds on this front. RCRC was provided CFR information on "in-kind" match requirements and the MBE/WBE rule.

Commendations - Other than the lobbying concern, RCRC is in full compliance with their Award agreement.

Recommendations made for changes? Follow-up actions? -
1. continue to provide EPA with ASAP backup documentation.
2. provide EPA copies of the independent audit that is expected to occur mid-04.
3. watch RCRC letters and invitations for possible lobbying concerns.

Additional comments and concerns are included in the EPA copy of "on-site Review Protocol for TAGs dated 8/26/03.

C: TAG Program Review Molycorp/8-26-03

molycorp

# On-site Review Protocol for Technical Assistance Grants

## INTRODUCTION AND PURPOSE

Recipients of financial assistance under the U.S. Environmental Protection Agency (EPA) Assistance Agreements/grants are responsible for maintaining operations and systems to effectively manage and administer grants and cooperative agreements. This includes an adequate financial management system and effective internal control systems for all property, funds, and assets related to the assistance agreement.

This instrument is tp be used in the on-site review and assessment of the recipient's general financial and administrative management systems by the EPA Technical Assistance Grants Project Officer. The activity aided by this instrument is not intended to be a substitute for a formal audit but, instead, to ensure effective monitoring of the recipient to avoid or reduce negative audit findings, waste, fraud, or abuse of federal funds.

Date of Site Visit: August 26, 2003

Location: Molycorp Mine
Rio Colorado Reclamation Committee, Questa, NM

Reviewer Name(s) and Title(s):

| | |
|---|---|
| ☑ Beverly Negri | TAG Project Officer |
| ☑ Zana Halliday | TAG Assistant |
| ☑ Dan Hochstetler | CIC - Compliance Officer |

Active Award:

| Assistance ID | Dates | Project Amount Federal | In-kind |
|---|---|---|---|
| 1-98671001-0 | 8/29/02 | $50,000 | $12,500 |

| | |
|---|---|
| Total budget for the project/program | $ 62,500 ✓ |
| Total in Federal Awards | $ 50,000 ✓ |
| EPA Awards received by the recipient for current project(s) or programs | $ 50,000 ✓ |
| Recipient amount | $ 12,500 ✓ |

| Recipient Representative(s): | | Titles: |
|---|---|---|
| ✓ Patrick Nicholson | 505-751-3063 | TAG Administrator |
| ✓ Rachel Conn | 719-672-0401 | Program Director |

✓ Sign-in for Nov 2002 meeting file - notes & RCRC

✓

EPA 1. Explain to the recipient how the EPA application review and approval process works.

What office(s) in the organization is responsible for reviewing and approving applications? ✓EPA Superfund Site Team and Grants Administration Office

Signature on awards or amendments?
_TAG Project Officer, Superfund Division Director, Grants Administration

EPA 2. What office is responsible for monitoring and overseeing assistance agreements and grants after award?
✓TAG Project Officer, TAG Assistant, Compliance Officer ✓

**TAG** 3. Provide an organizational chart. provide to EPA 9-15-03 done on 8-27-03

**TAG** 4. Does the current chart of the recipient organization clearly identify reporting relationships and the program's position within the organization?
☐ Yes
☑ No. Discuss to obtain an understanding of the organizational structure.
See

**TAG** 5. Does the recipient maintain recent copies of regulations, legal decisions, etc. for reference? (URL - http://region 6.epa.gov/intranet) New TAG Rule of 10/00 provided to TAG recipient with application forms.
☑ Yes ☐ No
→ EPA provided TAG rule with appl. pkg.

**TAG** 6. Are there policies and procedures for Federal awards in written form to cover the following:

| | | | |
|---|---|---|---|
| Time sheets | ☐ Yes | ☐ No | n/a |
| Payroll | ☐ Yes | ☐ No | n/a |
| Equipment (cost analysis) | ☐ Yes | ☐ No | n/a |
| ~~AGHor~~ ASAP draw downs | ☑ Yes | ☐ No | |
| Retention of records | ☑ Yes | ☐ No | |
| Recipient's procurements and other awards | ☐ Yes | ☐ No | n/a |
| In-kind contributions | ☑ Yes | ☐ No | |

Records Retention cite 10.170

EPA 7. Is there a central file containing the official records for each assistance award?
☑ Yes ☐ No
If Yes, where is it found? EPA TAG working files are maintained in Superfund and Administration files in Management.
Who is responsible for the file upkeep? TAG PO and Grants Administration
TAG Assistant

EPA & **TAG** 8. Do the files contain the following:

| | | | |
|---|---|---|---|
| Original application/certification | ☑ Yes | ☐ No | EPA - yes |
| Work plan/Statement of Work | ☑ Yes | ☐ No | EPA - yes |
| Award/amendment documents | ☑ Yes | ☐ No | EPA Award - yes |

| | | | | | |
|---|---|---|---|---|---|
| Requests and/or approvals for scope/budget changes | | ❑ Yes | ❑ No | n/a | EPA 8-29-02 to |
| FSRs if applicable | | ❑ Yes | ❑ No | n/a | EPA – ~~due 11/30/03~~ |
| Payment requests | | ☑ Yes | ❑ No | | EPA – ASAP 9-04 |
| Progress reports | 3 reports | ☑ Yes | ❑ No | | EPA need QPR 8/15/03 |
| Contracts | (1) 10-1-02 | ☑ Yes | ❑ No | | EPA – yes (4/1-6/30/03) |
| Correspondence | 11-15-02 | ☑ Yes | ❑ No | | EPA – yes |

**Verify that the recipient maintains TAG files that include specifics listed above.**

**General comments on the condition and contents of the files.**

**TAG** 9. Is the recipient aware of the record retention requirements? ☑ Yes ❑ No

☑ Recipient provided copy of records retention schedule during compliance review.

**TAG** 10. Although not a requirement, has the recipient's procurement system been self-certified? ❑ Yes ☑ No EPA ?

(2) 11-16-02 — 3-31-03

(3) 4-1-03 — 6-30-03

# Financial Management Questionnaire

Accounting (**TAG**)

1. Do you have records that identify the source and application of funds (obligations, unobligated balances, outlays)?
   ☑ Yes ☐ No

   EPA - yes (committment notice funding)

2. Are accounting records maintained to record the allowable costs applicable to this Award Agreement?
   ☑ Yes ☐ No

   EPA - yes

3. Are source documents available to support data in the financial management accounting system? ☑ Yes ☐ No

   EPA -

4. Are these records used as a basis for payments and financial status reports submitted to the EPA? ☑ Yes ☐ No

5. Are accounting records and financial statements subject to an independent audit?
   ☑ Yes ☐ No
   If yes, when was the last audit date: will occur mid-way in grant budget project period

6. Does the organization maintain the basic books of accounts electronically or otherwise:

| | | |
|---|---|---|
| General Ledger | ☐ Yes | ☑ No |
| Operating Ledger | ☐ Yes | ☑ No |
| Purchase Journal | ☑ Yes | ☐ No |

**Basically try to determine from the above whether the accounting system adequately identifies receipt and disbursement for each grant.**

7. Does the accounting system provide for tracking and recording of:

| | | |
|---|---|---|
| the Federal share | ☑ Yes | ☐ No |
| In-kind contributions | ☑ Yes | ☐ No |

8. Is there a link between budget cost categories and the recording of expenditures in the accounting system? ☐ Yes ☐ No

9. Does the organization have on board at least one individual with an accounting, financial management or budget background? ☑ Yes ☐ No
   If yes, name: Expenditures Sheets

   EPA - yes - on key contact list - Hope Buechler

10 Are there budgetary controls to prohibit incurring excess expenditures (e.g., monthly reported comparison of budget to actual expenditures, maintaining contract costs)? ☑ Yes ☐ No

| | | |
|---|---|---|
| Total funds remaining | ~~$45,000~~ | EPA award balance $43,506 |
| Total funds by budget and cost category | $ See Attachment I. | |

11. Are draw downs limited to immediate reimbursement needs? ☑ Yes ☐ No

~~How often do you draw down: _____ months~~

Are you on the ASAP system? ☑ Yes ☐ No

EPA - yes - on ASAP system
Ltr sent to grantees from EPA + LVFC

General Comments:

_____

_____

_____

_____

_____

_____

## Personnel (**TAG**)

Personnel policies and practices help to solidify organizations and their staffs as qualified recipients. With this in mind, we ask the following questions.

1. Are personnel policies established in writing or in the process of preparation that detail:
   Qualifications for each position (experience and background)?
   ☑ Yes ☐ No for TA & GA
   n/a RERC member
   Duties and responsibilities of each TAG organization's position?
   ☑ Yes ☐ No

same Articles of Incorporation

2. Are matching distribution records maintained to show the amount of time spent by an employee on more than one project?
   ☐ Yes ☐ No n/a

## Payroll (**TAG**)
(If applicable)

Does preparation of the payroll involve more than one employee or contract?
☐ Yes ☐ No n/a

Travel (**TAG**)
(For Technical Advisor)

1. Does the recipient's written travel policies and procedures provide or require:
   Allowable TA travel costs to be reimbursed based on:
   ☑ Actual or ☐ Per diem rates

   Per Diem ~~36~~ 30.
   Lodging 75.
   ~~Per Diem~~ .36¢
   mileage
   EPA - copies in TAG File

   Firmly established mileage rates?
   ☑ Yes ☐ No

   Receipts for lodging and meals are required as appropriate?
   ☑ Yes ☐ No

   Per diem rates include reasonable dollar limitations?
   ☑ Yes ☐ No

   Subsistence, lodging, and mileage rates are comparable to Federal rates?
   ☑ Yes ☐ No

   TA travel requests are approved prior to occurrence and show destination and purpose of trip? ☐ Yes ☐ No

2. Are adequate documents available to support the TA's travel?
   ☑ Yes ☐ No

   EPA - yes - in TAG File

3. Do travel and time sheets support the TA's activities while s/he was on travel status?
   ☑ Yes ☐ No

4. Are travel policies and procedures consistently followed?
   ☑ Yes ☐ No

Comments:

TA's don't ask for reimbursement on many occasions

## Matching or Cost Sharing Questionnaire (TAG and EPA)

According to Part 31, the basic rule is that, with certain qualifications and exceptions (See Part 31.24(b), a match or cost sharing requirement may be satisfied with:

(1) Allowable cost incurred by the recipient, or cost-type contractor under the award, including allowable costs borne by a non-Federal grant or other cash donations from non-Federal third parties; and

(2) The value of third party in-kind contributions applicable to the period to which the cost sharing or matching requirement applies.

However, Part 30 expressly prohibits EPA from requiring cost sharing or matching unless required by statute, regulations, Executive Order, or official Agency policy. Part 30.23 (a) through (i) provides criteria on the acceptability, purpose, and types of contributions made in relation to cost sharing or matching purposes and the support for such.

1. What costs and contributions comprise the match under the agreement(s)? (May have to select one or two of the agreements)
donated PC, Board member hours, donated web design, service, hosting, meeting space donated

2. Are the costs and contributions verifiable? ☑ Yes ☐ No
(Run a test of such using a small sample.)

3. Are these costs allowed? ☑ Yes ☐ No

4. Does it meet applicable standards for third party in-kind contributions and valuation requirements of CFR 31.24 (b) (7)? ☑ Yes ☐ No

## Procurement Questionnaire (TAG)
### Contracts

1. Were contracts awarded under the EPA Agreement in accordance with 40 CFR Parts 30 and 31, 30.40-48, and 31.36-37? ☑ Yes ☐ No excellent solitations EPA-yes-in file

2. Do any of your contracts exceed the small purchase threshold ($2,500)? ☑ Yes ☐ No

3. Were contracts awarded under the EPA Agreement in accordance with the recipient's procurement procedures (see CFR 31.36)? ☑ Yes ☐ No EPA-yes

4. Does the recipient use a pre-qualified list of persons, firms or products to acquire goods and services? ☐ Yes ☑ No

5. Does the recipient have documentation to show compliance with the six affirmative steps for Minority-owned and Women-owned Business Enterprises (MBE/WBE)? ?
☐ Yes ☑ No

6. Has recipient submitted an annual MBE/WBE report? ☐ Yes ☑ No EPA-report not due until 10/30/03

7. Has recipient established an affirmative procurement system for recycled materials?

❑ Yes ❑ No n/a

## Purchasing (TAG)

1. Does the organization have written purchasing procedures? ❑ Yes ❑ No n/a
   If No, how are purchases are handled? _____

2. Does the policy/procedure consider such matters as quality, cost, delivery, competition, source selections, etc? ❑ Yes ❑ No n/a

3. Are competitive bids obtained for items such as rental or service agreements over specific amounts? ❑ Yes ❑ No n/a

4. Are purchase orders or some other documentation required for purchasing services?
   ❑ Yes ❑ No n/a

5. Is control maintained over items or dollar amounts requiring the grants management officer's advance approval? ☑ Yes ❑ No EPA - no

6. Are the vendor invoices checked for:

| | |
|---|---|
| Prices and credit terms | ☑ Yes ❑ No |
| Extensions | ☑ Yes ❑ No |
| Errors and omissions | ☑ Yes ❑ No |
| Freight charges or disallowance | ☑ Yes ❑ No |

7. Are vouchers, supporting documents, expenses, or other distributions reviewed and initialed by a designated/responsible staff member before payment is authorized? ☑ Yes ❑ No

## Consultants (TAG)

1. Do written policies or procedures address the use of consultants? ☑ Yes ❑ No $50 - TA is OK
   Executive Level IV/GS = $65.24 hr in 2003.
2. Do the policies/procedures provide for:

| | |
|---|---|
| Circumstances under which consultants may be used? | ☑ Yes ❑ No |
| Consulting rates, per diem, etc.? | ☑ Yes ❑ No |

3. Are consultants required to sign consulting agreements outlining services to be rendered, duration of engagement, reporting requirements, and pay rates? ☑ Yes ❑ No

## Internal Controls (TAG)

1. Is there a separation of responsibility in the receipt, payment, and recording of EPA reimbursements?
   ☑ Yes ❑ No TA → TAdm | PD → Board
   Sec Signs checks

For instance, are the duties of the record keeper or bookkeeper separated from other TAG functions? ☐ Yes ☐ No maybe

2. Are all reimbursements approved by an authorized official? ☑ Yes ☐ No
   If so, name: Rachel Conn

3. Are all accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, vendor payments)? ☑ Yes ☐ No

4. Does the organization have an internal auditor or audit staff? ☐ Yes ☑ No

   If so, name: will use external auditor

5. Is there a reconciliation of receipts and expenditures to source documentation:
   ☑ Yes ☐ No

6. Are employees who handle funds required to be bonded against loss by reason of fraud or dishonesty? ☐ Yes ☑ No

Transaction Testing (EPA and **TAG**)

1. Select from the following areas to perform a judgmental sample and test:

| | | | |
|---|---|---|---|
| TA Travel | ☐ Yes | ☐ No | Completed through out |
| Personnel/Payroll | ☐ Yes | ☐ No | |
| Purchases | ☑ Yes | ☐ No | Review |
| Procurements | ☐ Yes | ☐ No | |

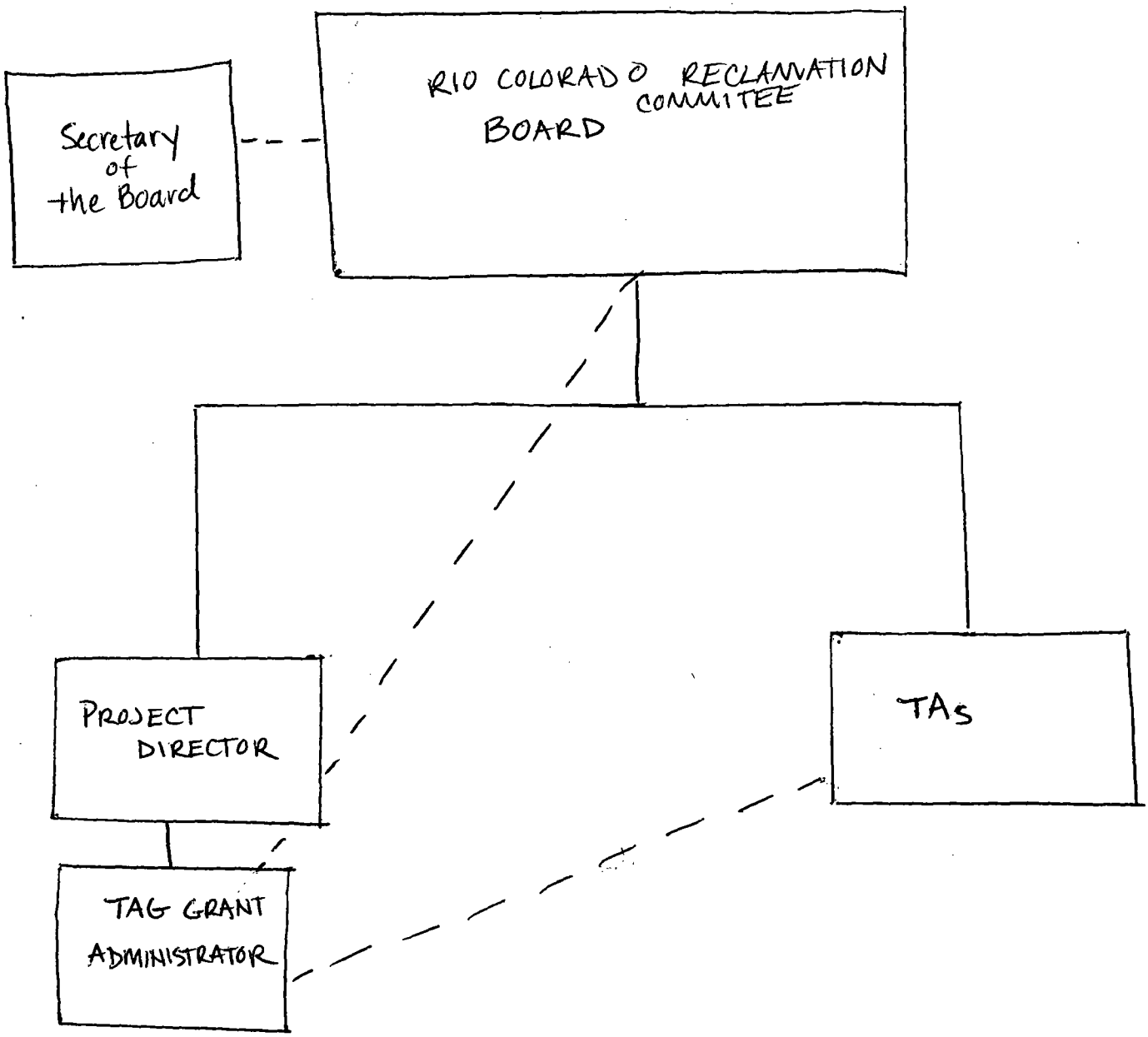
**(As an alternative, select all or several of the areas and test on 1 or 2 items in each)**

2. If applicable, perform sample computations on matching/cost share.

Observations (EPA)

Group is progressing as planned. All stated deliverables, reports, etc are received in a timely manner. Group was cautioned on 8-26 & again on 8-27 to be cautious about actual lobbying or the appearance of lobbying. Several ideas, examples & suggestions on this subject were provided by EPA staff.

# RCRC ORGANIZATION CHART
8/26/03



molycorp

# BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348

## SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. Technical Assistance Grant at Molycorp Questa Mine | 66-806 | $ | $ | $ 50,000 | $ 12,500 | $ 62,500 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. Totals | | $ | $ | $ 50,000 | $ 12,500 | $ 62,500 |

## SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY (1) Federal | (2) In-kind | (3) | (4) | Total (5) |
|---|---|---|---|---|---|
| a. Personnel | $ | $ | $ | $ | $ — |
| b. Fringe Benefits | | | | | — |
| c. Travel | 6,000 | | | | 6,000 |
| d. Equipment | | | | | — |
| e. Supplies | 1,400 | | | | 1,400 |
| f. Contractual | 42,600 | 9,850.00 | | | 52,450 |
| g. Construction | | | | | — |
| h. Other meeting space | | 2,650.00 | | | 2,650 |
| i. Total Direct Charges (sum of 6a-6h) | 50,000 | 12,500.00 | | | — |
| j. Indirect Charges | 0 | | | | — |
| k. TOTALS (sum of 6i and 6j) | $ 50,000 | $ 12,500 | $ | $ | $ 62,500 |
| 7. Program Income | $ | $ | $ | $ | $ |

New blank

## SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e) TOTALS |
|---|---|---|---|---|
| 8. Technical Assistance at Molycorp Inc. Questa Mine Site | $ 12,500 | $ | $ | $ 12,500 |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTAL (sum of lines 8 and 11) | $ 12,500 | $ | $ | $ 12,500 |

## SECTION D - FORECASTED CASH NEEDS

| | (Total for 1st Year) | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---|---|---|---|---|---|
| 13. Federal | $ 25,000 | $ 6,250 | $ 6,250 | $ 6,250 | $ 6,250 |
| 14. NonFederal | 6,250 | 1,562.50 | 1,562.5 | 1,562.50 | 1,562.5 |
| 15. TOTAL (sum of lines 13 and 14) | $ 31,250 | $ 7,812.50 | $ 7812.50 | $ 7,812.50 | $ 7,812.5 |

## SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | FUTURE FUNDING PERIODS (Years) | | | |
|---|---|---|---|---|
| | (b) First | (c) Second | (d) Third | (e) Fourth |
| 16. Technical Assistance Grant at Molycorp Inc Questa Mine Site | $ 25,000 | $ 25,000 | $ | $ |
| 17 | | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTALS (sum of lines 16 - 19) | 25,000 | $ 25,000 | $ | $ |

## SECTION F - OTHER BUDGET INFORMATION
(Attach additional sheets if Necessary)

21. Direct Charges: NA

22. Indirect Charges: NA

23. Remarks:

SF 424A (4-88) P
Prescribed by OMB Circular A

AUTHORIZED FOR LOCAL REPRODUCTION

Gra[redacted]warded 8/29/02 [redacted] Molycorp: Zana's Copy

and retain records documenting compliance.

e. The recipient agrees to submit an EPA form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to the Regional MBE/WBE Coordinator within 30 days of the end of the Federal Fiscal quarter (January 30, April 30, July 30, and October 30). For assistance awards for continuing environmental programs and assistance awards with institutions of higher education, hospitals and other non-profit organizations, the recipient agrees to submit an EPA form 5700-52A to the Regional MBE/WBE Coordinator by October 30 of each year.

f. If race and/or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the "fair share" objectives.

13. The recipient also agrees and is required to utilize the six affirmative steps if a contract is awarded under this agreement relative to small businesses in rural areas (SBRAs) in compliance with Section 129 of Public Law 100-50, 40 CFR Section 30.44(b) and 40 CFR Section 31.36(e).

14. EPA may take corrective action under 40 CFR Parts 30, 31, and 35, as appropriate, if the recipient fails to comply with the MBE/WBE terms and conditions.

15. In accordance with 40 CFR Part 30.27(b) or 31.36(j)(1), EPA participation in the salary rate (excluding overhead) paid to individual consultants is limited to the maximum hourly rate for a level 4 of the Executive Schedule, which is currently approximately $63.28 per hour (2002). FY-2003 " " now $65.24 per hr.

## Programmatic Conditions

16. All TAG deliverables must be included in the official grant document. The deliverables (numbers 1 through 10) are general TAG deliverables for all TAG awardees. The deliverables (numbers 11 through 20) are referenced to the particular action outlined in the recipient's Project Narrative Statement – Statement of Work for the Technical Advisor. All deliverables are to be sent in a timely manner to the EPA TAG Project Officer in the appropriate TAG Quarterly Reports. Grantee is expected to adhere to the following reporting requirements and provide EPA copies of all resultant deliverables:

* a. A newspaper notice is to be placed by the recipient group in the local city/town newspaper(s) announcing the awarding of the TAG to the recipient

** OK b. Awardee will host a Post Award meeting in the local city/town area close to the NPL site to announce awarding of Technical Assistance Grant and to receive input and information from the community — participated in EPA meeting

c. Provide EPA copies of budget and financial tracking protocols — RCRC received

* QPR dated 11/15/02 stated announcement placed in paper. I can't locate copy.

** 11/15/02 QPR - states 3 board meetings - talked about TAG.

yes d. A summary report of the first meeting and an address listing of all meeting attendees will be provided to EPA

yes e. Copy of advertizement for Technical Advisor (TA) yes - in EPA File & for TAG Admin. (Nicholson)

yes f. Copy of the Request for Proposals (RFP) for potential TAs yes

yes g. Copy of the final accepted RFP; proposed and final TA contract yes

h. Copies of any/all information or fact sheets created by the TAG recipient under the auspices of the TAG

? on-going where yes-in file

i. Copies of any and all sign-in sheets produced at any/all TAG recipient meetings under the auspices of the TAG (Names and addresses of attendees will be added to the site mailing list) - see notes

j. Copies of any/all notices alerting the public/community of TAG related meetings ~~EPA~~ 3 meeting notices

k. Copy of TA's written review/assessment of Remedial Investigation, Risk Assessment, QA/QC Plans, Ecological Risk Reports

l. Written synopsis from TA on TAG related meetings w/local, State and Federal officials

m. Copies of analysis and critique of existing reports with included recommendations for awardees' response

? n. Copy of any awardees' newspapers that include TAG information or any TA analysis

on-going

o. Copy of TA's written review/assessment of Feasibility Study, Preliminary Remedial Designs, etc., along with any risk related documents

p. Written synopsis from TA on meetings w/local, State and Federal officials

q. Copies of analysis and critique of existing reports with included recommendations for awardees response

r. Copy of TA's evaluation of the US Geological Survey's report, "An Investigation of Baseline and Pre-Mining ground Water Quality in the Red River Valley Basin, New Mexico"

s. Copy of TA's written or verbal review/assessment of any remedial related activity

t. Copies of any/all documents, reports, newsletters, etc. related to the TA's community outreach

u. Copy of any TA reports on the draft/final Record of Decision - N/A putting it together

GENERAL FEDERAL TAG REPORT REQUIREMENTS

| Time Period | Report/Request |
|---|---|
| when grant is awarded | Electronic Transfer Form - open a bank account for the TAG funds; bank official and designated signing authority for TAG need to sign - TAG group returns it to the Region 6 Procurement & Grants Management Office (yes) |
| as needed<br>now requests go ASAP to Las Vegas - grantee was notified by EPA letter + LVFC. | Request for Reimbursement (SF 270) - send the SF 270 to the Region 6 Procurement & Grants Management Office. Attach backup documents to support reimbursement requests (contractor invoices, record of matching share, etc.) |
| 45 days after end of each calendar quarter * 11/15/02 | TAG Quarterly Progress Report - submit and include copies of any documents created by your TA to Region 6 TAG Project Officer |

OK * ~~Need~~ Need APR for period 4/1-6/30/03 (was due EPA Aug. 15th)

| | |
|---|---|
| annually, 90 days within grant anniversary date due 11/30/~~02~~ 03 | Annual Financial Status Report (SF 269) - submit the SF 269 to the Region 6 Procurement & Grants Management Office |
| annually, October of each year due 10/31/03 | Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) Utilization Under Small Grants (SF 334) - submit the SF 334 to the Region 6 Procurement & Grants Management Office |
| 3 months prior to end of TAG's project/budget dates | Draft of Final Project Report submitted to Region 6 TAG Project Officer for review and approval. |
| 3 months prior to end of TAG's project and budget dates | Renewal of TAG agreement, if applicable - contact Region 6 TAG Project Officer |
| within 90 days of end of TAG grant | Final Financial Status Report (SF 269) - submit to the Region 6 Procurement & Grants Management Office |
| within 90 days of end of TAG | Final Project report - submit to the Region 6 TAG Project Officer |

September 3, 2003

Ms. Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Re: Molycorp, Inc. Superfund Site
Technical Assistance Grant (TAG)
Number 1-98687101-0
Quarterly Progress Report

Dear Ms. Conn:

The U.S. Environmental Protection Agency (EPA) has received your Quarterly Progress Report for the period April 1, 2003 through June 30, 2003. The EPA also received copies of Technical Advisor reports and grant deliverables. Copies of these reports haves been given to the Remedial Project Manager, Mark Purcell. Copies were also sent to the EPA repository in Questa. Thank you for your prompt submission of these reports and documents.

If you have any questions, call me or Zana Halliday at 1-800-533-3508.

Sincerely,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Roberto Vigil, President
Rio Colorado Reclamation Committee
P.O. Box 333
Questa, NM 87556

Patrick D. Nicholson
TAG Administrator - RCRC
6459 NDCBU
Taos, NM 87571

**Beverly Negri**

09/02/2003 07:13 AM

To: "McEachern, D. E. (Elaine)" <Arp3@cdc.gov>
cc: "Dyken, Jill J" <Azd9@cdc.gov>, "Joseph, Debra" <Doj7@cdc.gov>, "Larson, Kristina" <Kil1@cdc.gov>, "Luker, Lovyst" <lah8@cdc.gov>, "Hayes, Lisa" <lih1@cdc.gov>, Patrick Young/R6/USEPA/US@EPA, Steve Jones/DC/USEPA/US@EPA, "Tsai, Shan Ching (Shan-Ching)" <sxt2@cdc.gov>
cc: Beverly Negri/R6/USEPA/US@EPA, Patrick Young/R6/USEPA/US@EPA, "Dyken, Jill J" <Azd9@cdc.gov>, "Hayes, Lisa" <lih1@cdc.gov>, Steve Jones/DC/USEPA/US@EPA, "Joseph, Debra" <Doj7@cdc.gov>, "Larson, Kristina" <Kil1@cdc.gov>, "Luker, Lovyst" <lah8@cdc.gov>, "Tsai, Shan Ching (Shan-Ching)" <sxt2@cdc.gov>
Subject: Re: TAG Tour: Molycorp

Williams was in attendance. Unfortunately Adam was unable to attend the meeting. Thank you for the heads-up.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

"McEachern, D. E. (Elaine)" <Arp3@cdc.gov>

**"McEachern, D. E. (Elaine)" <Arp3@cdc.gov>**

08/25/2003 05:20 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Patrick Young/R6/USEPA/US@EPA, "Dyken, Jill J" <Azd9@cdc.gov>, "Hayes, Lisa" <lih1@cdc.gov>, Steve Jones/DC/USEPA/US@EPA, "Joseph, Debra" <Doj7@cdc.gov>, "Larson, Kristina" <Kil1@cdc.gov>, "Luker, Lovyst" <lah8@cdc.gov>, "Tsai, Shan Ching (Shan-Ching)" <sxt2@cdc.gov>
Subject: TAG Tour: Molycorp

Beverly, the following two reporters want to go on the TAG community tour in Questa later this week. They are both planning to attend the community meeting and understand that this is an EPA event. Please coordinate with them as appropriate.

- William Maxell, Taos News, 505-758-2241, ext. 120
- Adam Rankin, Albuquerque Journal North, 505-988-8881 ~~did not attend~~ attended ph - see sign in sheet

Elaine

D. Elaine McEachern, APR
Senior Media Officer
Agency for Toxic Substances & Disease Registry
Voice: 404.498.0070
Fax: 404.498.0039
arp3@cdc.gov

RECEIVED
EPA/R6/ENVIR
03 AUG 21
PROGRAMS MGMT BRANCH

# New Mexico State Senate

State Capitol
Santa Fe

COMMITTEES:

CHAIRMAN:
·Conservation

MEMBER:
·Indian & Cultural Affairs

**SENATOR CARLOS R. CISNEROS**
D-Mora, Santa Fe & Taos-6

P.O. Box 1129
Questa, NM 87556

Home: (505) 586-0873
Voice Mail: 1-800-869-2090
Cell: (505) 670-5610
E-Mail: carlos.cisneros@state.nm.us

August 28, 2003

Mr. Mark Purcell
USEPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, Texas 75202-2733

Secretary Ron Curry
NM Environment Department
1190 St. Francis Dr.
Santa Fe, NM 87503

Gentlemen:

I am in receipt of the letter dated August 15, 2003 addressed to both of you with a copy sent to me and others, by the Rio Colorado Reclamation Committee who claims to represent the community of Questa.

The letter and its defamatory statements are a malicious misrepresentation of fact. Foremost to the claim is the idea that this group represents the Village of Questa. That is simply erroneous. This group is exclusive, with a clear, subjective intent. Meetings are unannounced and isolated to individuals that have historically opposed the mining operation with non-resident members, and in most cases, non-resident participation.

To the specific issue of a "Petroleum Waste Dump" on site, I would like to state that this is absolutely ludicrous. Such an allegation is inconsistent with the intent and scope of a TAG group. To the extent necessary, both EPA and NMED need to rebuke this group's purpose and interest, or at the very least understand their ulterior motives.

I was born in the Village of Questa and have been employed at Molycorp since 1970. I know this allegation to be frivolous and detrimental to the Remedial Investigation / Feasibility Study. I worked in the Maintenance Department at the open pit area for 15 years; clearly the practice of waste disposal in an unsafe or unlawful manner was not condoned by the company.

As I indicated to Mark at the EPA Community Meeting in Questa on August 27, 2003, this type of malfeasance only divides the community and diminishes the economic benefit Molycorp brings to the Village and to the state of New Mexico. In addition, these allegations will continue to erode the potential of any future business opportunities for our area.

Again, I will request that the respective agencies take into consideration the interest of all of the people in the area, including the workforce at Molycorp, and act with due diligence as you progress into the study by applying sound science to the investigation. And most importantly, that the Federal and State agencies acknowledge the importance of the economic base that Molycorp brings to the Village of Questa and to the state of New Mexico.

Sincerely,

Carlos R. Cisneros
Senator

cc: United States Senator Pete Domenici
United States Senator Jeff Bingaman
United States Congressman Tom Udall
Governor Bill Richardson
Mayor Charlie Gonzales
Ms. Lisa Hayes, ATSDR/Center for Disease Control
Ms. Beverly Negri, United States Environmental Protection Agency
Ms. Marcie Leavitt, New Mexico Department of the Environment
Mr. Mike Reed, New Mexico Department of the Environment
Mr. Leroy Apodaca, Director of Administrative Services,Molycorp

**CARLOS R. CISNEROS**

New Mexico State Senate

P.O. Box 1129
Questa, NM 87556

SANTA FE
08-26-03
N. MEX.

Ms. Beverly Negri
USEPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, Texas 75202-2733

75202+2733

# Río Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

*Board of Directors*

Roberto Vigil
President

Rachel Conn
Vice President
Program Director

Hope Buechler
Secretary/Treasurer

David Douglas

Karen Douglas

Carlos Herrera

Marsha Reddell

Taylor Streit

Brooke Tatum

*Grant Administrator*

Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco

August 15, 2003

Mr. Mark Purcell
US EPA
Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202-2733

Secretary Ron Curry
New Mexico Environment Department
P.O. Box 26110
1190 St. Francis Dr., N4050
Santa Fe, NM 87502-0110

RECEIVED
EPA REGION VI
03 AUG 18 PM 3: 22
PROGRAMS MGMT BRANCH

Re: Petroleum waste dumps at the Molycorp mine site.

Gentlemen:

The Río Colorado Reclamation Committee was formed to assist the Questa community in understanding the EPA's Remedial Investigation of pollutants emanating primarily from the Molycorp operations whose effects may be harmful to the Red River watershed, the citizens of Questa, their assigns and the general public at large.

We hereby submit affirmation of knowledge by more than just a few life long Questa residents and former Molycorp employees that Molycorp knowingly, willfully and repeatedly disposed of their used petroleum and petroleum products in an unsafe and unlawful manner at numerous mine site locations.

This misconduct by Molycorp could alter the site to that of a hazardous waste classification that has had devastating effects on the Red River watershed, the people of Questa, their businesses, their properties and their health. Petroleum and petroleum products have been documented as cancer causing agents.

Civilized law should require Molycorp to abide by regulations governing the proper use and disposal of all petroleum products. We suspect Molycorp's careless and reckless disposal of their petroleum products to be in violation of several laws including:

1) Federal Clean Water Act.
2) Resource Conservation and Recovery Act
3) New Mexico Water Quality Act.

Clarifications of the above violations are attached in a report written by Ken Klco, one of our Technical Advisors.

In light of these concerns, we request on behalf of the community:

- That the EPA and State agencies take immediate action.
- That a tour of the mine by EPA and State officials be arranged to locate hazardous waste dump sites for the purposes of including them in the RI sampling.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

- That you advise Molycorp to cease immediately the disposal of all petroleum products on to bare ground and/or into the tailing pond facilities.
- That Molycorp provide detailed accounting of their petroleum and petroleum products usage both past and present, including manifests and any NMED or EPA inspection reports on the handling of hazardous waste on the Molycorp mine property, including the tailing ponds.
- That Molycorp provide proof of recycling of all petroleum products.
- That you include sampling for organic chemicals and petroleum products in the RI/FS and begin an immediate and comprehensive investigation for these pollutants that may be in our domestic and irrigation waters and the Red River from its confluence with the Río Grande upstream to and including the Molycorp mine site.

Witnesses are available to confirm locations of petroleum dump sites as per these allegations.

Your immediate response and updated findings with regard to this issue is greatly appreciated. Thank you

Sincerely,

Roberto Vigil, President
by David Douglas

The Río Colorado Reclamation Committee Board of Directors

Enc: Report on Potential Sampling Location(s) Meeting, July 24, 2003

cc: Bill Richardson, Governor of New Mexico
Senator Jeff Bingaman
Senator Pete Domenici
Congressman Tom Udall
State Senator Carlos Cisneros
Charles Gonzales, Mayor of Questa
Brian Shields, Executive Director of Amigos Bravos
Mike Reed, Groundwater Bureau, NMED
Marcy Leavitt, Surface Water Quality Bureau Chief, NMED
Beverly Negri, USEPA Region 6
Lisa Hayes, ATSDR

Río Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

ALBUQUERQUE NM 87101
PM
15 AUG
2003

USA

Ms. Beverly Negri
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**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

July 26, 2003

Rio Colorado Reclamation Committee
Rachel Conn, Program Director
P. O. Box 637
Questa, NM 87556

RE: REPORT ON POTENTIAL SAMPLING LOCATION(S) MEETING, JULY 24,2003

The writer met with Roberto Vigil, Roger Herrera, and Joe Cisneros at the Questa Café on July 24, 2003, at 6 PM. The meeting was scheduled to review potential sites for sample locations at the mine site.

The largest single area of concern is in the area and north and west of the primary crusher facility. During the early 1970's through the early 1980's, petroleum products were routinely dumped behind the old truck garage, located app. 400' west of the primary crusher. The foundation of the former maintenance area is shown on the site maps. The area west of the former maintenance structure was used for dumping of waste oils from mobile equipment and from mill maintenance activities.(barrels). Many barrels of milling agents and petroleum product wastes were also transported north of the crusher site app. ½ mile to the Spring Gulch waste dump and disposed in the waste dump operational at the time. Most of the dumping was reportedly over the dump facing west. This area corresponds to the area now covered by drill holes WRD-14, SG-2, and possibly WRD-1, although it may be difficult to estimate the actual location of dumping which occurred as long as thirty years ago due to changes in area due to added waste rock. It would be most helpful to have access to late 70's or early 80's topo maps of area to better place the actual dumping location for comparison to today's topography. In addition, MMW-16, located north of the Red River and downstream of Spring Gulch drainage, might be tested for petroleum contaminants which may have moved down gradient through colluvium aquifers. The general location of the main dump zone was reached at the time by generally driving west ¼ mile from the primary crusher, then ½ mile north to the waste dump face. There was a question concerning the depth of sampling at Monitoring Well 34A, B, and to the analytical results from these two wells drilled in alluvium and bedrock.

The former miners also expressed questions regarding the types of reagents used in the milling process and the dates of changes of reagents made. Is there a detailed history of milling reagents used at the site and a chronology of the types of chemistry involved and their disposal methods?

Another area of concern regarding dumping of oils and milling agents appears to be in the area south and east of the current truck shop located due south of the open pit. The truck shop area was reportedly an area of common dumping practices, usually from mobile equipment but also milling agent waste. No sample locations are included in the current sampling plan for this area.

It was reported by a former mill worker that a common maintenance practice utilized during the 1980's was to drain spent lubricating oils from the mill directly into the tailings sump. New oil was added to the milling gear boxes and allowed to drain until it cleared up before replacement of the drain plugs. The petroleum waste was then removed with the tailings in the mill sump via pipeline to the tailing facility. Sampling for petroleum contaminants in the mill tailings will be problematic unless a reasonably accurate history of tailings placement is available for study. It may then be possible to estimate a location and depth to drill for successful contaminant level sampling.

In addition to diesel tanks located at the current truck shop, diesel was once stored and dispersed at the former truck and maintenance shop (west of crusher) and at the Mill Site. It is not clear if all of these areas have been sampled to date for petroleum contaminants.

Scrap metals from milling operations were routinely given to contractors and sub-contractors for disposal. Are there any records of waste materials and locations of final disposal site?

This report is an attempt to list each concern discussed during the evening. Additional maps of the site were left with RCRC board members to better familiarize themselves with the present day topography, but aerial photos and topographic info from the time periods when much of the dumping was common practice would be most helpful in locating the best sites for test drilling. Efforts to acquire this information from Molycorp have not been successful to date. Possibly a request directly from the EPA would help.

Kenneth S. Klco
Technical Advisor

# Río Colorado Reclamation Committee

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*Grant Administrator*

Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco

June 18,2003

received 6-26-03

Senator Pete Domenici
328 Hart Senate Office Building
Washington, DC 20510-3101

625 Silver Avenue SW
Albuquerque, New Mexico 87102

Dear Senator Domenici,

We would like to introduce ourselves to you and enlist your help.

The Río Colorado Reclamation Committee (RCRC) is a non-profit organization comprised of concerned residents and landowners from Questa and other communities near the Molycorp Questa Molybdenum mine site. ~~We are currently funded by an EPA Technical Assistance Grant (TAG)~~. A major concern of the RCRC is the number and wide variety of health problems that may be attributed to various activities of the Molycorp Mine.

As you know, the EPA is currently conducting a Remedial Investigation and Feasibility Study of the Molycorp Mine as part of the Superfund Process. As part this process, the Agency for Toxic Substances and Disease Registry (ATSDR) is mandated by Congress to do a Public Health Assessment of the Molycorp mine site and of the surrounding area to determine if a public health risk exists as a result of any activities of the mine. Before issuing its report, the ATSDR assessment is supposed to include visits by their Site Team to the area, meetings with the impacted communities, gathering of health information directly from its residents, and the review of any documents and studies which might help assess any possible health risk, past, present and future, which might be resulting from anything done by the potential polluter, on or off their property.

In late February 2003, it came to the attention of the Board of the RCRC that the ATSDR released its findings in October 2002 without using any of the procedures described above. They sent only one representative to the Questa area in 2001. There was no contact with any Village Government officials, local health officials, community residents or any other local interested parties except for Molycorp that the survey was being done. ATSDR's report was based almost exclusively on information developed by Molycorp. As a result of this biased information, ATSDR concluded that there is no present or future public health risk. Upon investigation, we found out that no one from the Questa area, including the Village Government, the RCRC, and other interested parties, got a copy of this Assessment due to an "incomplete" mailing list thus denying any possible public comment during the comment period.

Therefore, by any measure, this report cannot be considered legitimate.

It is, our belief that this report should be withdrawn and a new Public Health Assessment be undertaken – one that is fair, balanced and seeks input from the community.

ATSDR did agree to re-release the report with an extended public comment period ending sometime in May 2003. Later the public comment period was extended to June 16, 2003 but, once again,

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

ATSDR did not inform the affected community of this extension. Thus far, they have refused to withdraw the report which is so badly flawed that it cannot be allowed to stand in any form.

Senator Domenici, this is where we ask for you help. Given the influence you have in the Senate, and knowing your deep-seated concern for the welfare of the people of Northern New Mexico, we are asking that you do whatever you can to have this Public Health Assessment withdrawn and a new one begun using the proper ATSDR method, which involves starting with the community. Members of the ATSDR Site Team are finally holding a community meeting in Questa on Wednesday evening, June 25th, at 6pm at St. Anthony's Parish Hall. We realize we are giving you very short notice, but if it would be possible to have a member of your staff at this meeting, you will get a fuller picture of the fiasco that this ATSDR Public Health Assessment has become. While even the ATSDR has admitted that they have completely mishandled the Questa situation (see the enclosed "Media Alert" from the ATSDR website, which, once again, went to no media outlets in New Mexico), the only remedy that is fair for those impacted by the Molycorp mine is to force this Agency to withdraw such an severely flawed and illegitimate report. More information can be found on our website at www.rcrc.nm.org. We would be glad to speak to anyone from your staff about this issue. We can be reached at (505) 899-0774 or via email at douglas@nm.net or minniemoomoo@comcast.net.

We are grateful for your consideration of this serious matter and appreciate the opportunity to bring it to your attention..

Sincerely,

David and Karen Douglas
For the Board of the Río Colorado Reclamation Committee

**Patrick Nicholson**

received 8-26-03

**From:** David Douglas [douglas@nm.net]
**Sent:** Thursday, June 19, 2003 9:43 AM
**To:** janis.hartley@state.nm.us
**Cc:** douglas@nm.net; rconn@amigosbravos.org; btatum@laplaza.org; minniemoomoo@comcast.net; hopesmail@zianet.com; tsfish@laplaza.org; redhow@taosnm.com; herrera02@kitcarson.net; azurite@amigo.net; fez@sdc.org; elgaucho@laplaza.org
**Subject:** Important Community Meeting in Questa

**Importance:** High

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556
http://www.rcrc.nm.org/
June 19, 2003

Ms. Janis Hartley
Office of the Governor
State Capitol
Room 400
Santa Fe, NM 87501

Dear Ms Hartley:

I represent the Board of Directors of the Rio Colorado Reclamation Committee (RCRC), a non-profit organization comprised of concerned residents and landowners from Questa and other communities near the Molycorp Molybdenum mine site. ~~Our group is currently funded by an EPA Technical Assistance Grant (TAG).~~ A major concern of the RCRC is the number and wide variety of health problems that may be attributed to various activities of the Molycorp Mine.

We would like to request that a representative of Governor Richardson attend a community meeting in Questa on Wednesday, June 25, 2003 at 6:00pm in St. Anthony's Parish Hall. This meeting is being held by the Agency for Toxic Substances and Disease Registry (ATSDR), a federal agency assigned to perform a Public Health Assessment of possible health risks that may be caused by activities of the Molycorp mine. The involvement of the ATSDR is mandated by Congress at part of the Superfund process. The EPA is already involved in a Remedial Investigation and Feasibility Study of the Molycorp mine as part of this process and will have representatives at this meeting.

Before issuing its Public Health Assessment, an ATSDR Site Team is supposed to visit Questa to perform a detailed study of possible health risks. This visit includes meetings with the impacted communities, gathering of health information directly from its residents, and the review of any documents and studies which might help assess any possible health risk, past, present and future, which might be a result of anything done by the Molycorp mine, on or off their property.

In late February 2003, it came to the attention of the Board of the RCRC that the ATSDR released its findings in October 2002 without using any of the procedures described above. They sent only one representative to the Questa area in 2001. There was no contact with any Village Government officials, local health officials, community residents or any other interested local parties except for Molycorp that the survey was being done. ATSDR's report was based almost exclusively on information developed by Molycorp. As a result of this biased information, ATSDR concluded that there is no present or future public health risk. Upon investigation, we found out that no one from the Questa area, including the Village Government, the RCRC, and other interested parties, got a copy of this Assessment due to an "incomplete" mailing list thus denying any possible public comment during the comment period.

Therefore, by any measure, this report cannot be considered legitimate.

It is the belief of the RCRC that this report should be withdrawn and a new Public Health Assessment be undertaken - one that is fair, balanced and seeks input from the community. The ATSDR has refused to withdraw this seriously flawed report.

After the RCRC initiated several telephone calls to ATSDR and launched an email campaign, ATSDR agreed to come to Questa and perform the health survey it was supposed to do in 2001.

The community meeting on Wednesday evening is for ATSDR to introduce itself and inform the community of its purpose and what it hopes to accomplish.

We believe that it would be of benefit to the Governor for him to send a representative to this meeting so that he can remain fully informed of the situation in this volatile area.

For more information about the ATSDR visit, please visit our website at: http://www.rcrc.nm.org/ You can also contact me or my wife, Karen at (505) 899-0774. We can also be reached in Questa _after_ 5:00pm on Monday 06/23 at (505) 586-2293.

We are grateful for your consideration of this serious matter and appreciate the opportunity to bring it to your attention.

Sincerely,

David Douglas

David Douglas
4601 Montano NW, #116
Albuquerque, NM 87120
douglas@nm.net
505.899.0774

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ATTACHMENT FIVE

# On-Site Review Protocol for Grants Management Offices

INTRODUCTION AND PURPOSE

Recipients of financial assistance under U.S. Environmental Protection Agency (EPA) Assistance Agreements are responsible for maintaining operations and systems to effectively manage and administer grants and cooperative agreements. This includes an adequate financial management system and effective internal control systems for all property, funds and assets related to the assistance agreement.

The purpose of this instrument is the on-site review and assessment of the recipient's general financial and administrative management systems by the EPA Grants Management Office. The intent of the activity aided by this instrument is not to substitute for a formal audit, but instead, to ensure that effective monitoring of the recipient will avoid or reduce negative audit findings, waste or abuse of federal funds.

Date(s) of Site-Visit: ~~8/25/03~~ 8 26 03 Location: Questa, NM

Reviewer Name(s)/Title(s) Zana Halliday, TAG Assistant

**Active Awards:**

| Assistance ID# | Dates | Short Title | Project Amount Federal | Project Amount Non-Fed'l |
|---|---|---|---|---|
| 1-98671001-0 | 8/29/02 | Molycorp TAG w/RCRC | $ 50,000 | $12,500 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**$-TOTAL Reviewed**

**Inactive Awards:**

| Assistance ID# | Dates | Short Title | Project Amount Federal | Project Amount Non-Fed'l |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**$-TOTAL Reviewed**

Total Budget for the Project/Program: $62,500
Total in Federal Awards _____; EPA Awards 50,000 received by the recipient for current project(s) or program(s); Recipient Amount: 12,500

Recipient Representatives/Titles: Rachel Conn, Program Director, 719-672-0401
Rio Colorado Reclamation Committee (RCRC)

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EPA 1. Explain how your application review and approval process works. What office(s) in the recipient's organization is responsible for reviewing and approving applications? Signatures on awards or amendments?

EPA 2. What office is responsible for monitoring and overseeing assistance agreements after award?

RCRC 3. Obtain organizational chart.

4. Does the current chart of the recipient organization clearly identify reporting relationships and the program's position within the organization? If No, discuss to obtain an understanding of the organizational structure.

5. Does the recipient maintain recent copies of regulations, legal decisions, etc. for reference? (Discuss EPA web site.)

6. Are there policies and procedures for federal awards in written form to cover the following:

a. Time sheets
b. Redistributions (Chargebacks)
c. Payroll - Contractor and TAG Administrator
d. Overtime
e. Vacation/Sick leave
f. Compensatory time
g. Equipment (Cost Analysis)
h. ACH or ASAP drawdowns
i. Retention of records
j. Travel - for TA
k. Recipient's procurements and other awards
l. Program income
m. In-kind contributions
n. Property
o. Site-specific accounting
p. Equipment disposition

EPA 7. Is there a central file containing the official records for each assistance award?

a. Where is it found?

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b. Who is responsible for this file?

EPA 8. Do the files contain the following:

a. Original application and certification

b. Work plan/statement of work

c. Award/amendment documents

d. Requests and/or approvals for scope/ budget changes

e. FSRs if applicable

f. Payment requests

g. Progress reports

h. Contracts/Subawards

i. Correspondence

Verify that the recipient maintains Assistance Agreement files that include specifics listed above.

General comments on the condition and contents of the files.

RCRC 9. Is recipient aware of the record retention requirements?

RCRC 10. Although not a requirement, has the recipient's procurement system been self-certified?

~~11. Does the recipient have sub-awards pertinent to the agreement(s)?~~

~~a. How does the recipient self-monitor and monitor sub-awards?~~

~~b. Are there written procedures (40 CFR30.44, .51, and 31.37, .40)~~

~~12. At what level does the recipient capitalize equipment?~~

~~13. Does the recipient have inventory controls?~~

~~14. Have procedures governing equipment disposition been disseminated?~~

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## III. Financial Management Questionnaire

### A. Accounting

1. Do you have records that identify the source and application of funds? (ai., obligations, unobligated balances, assets, outlays, income.

2. Are accounting records maintained to record the allowable costs applicable to this Agreement?

3. Are source documents available to support data in the financial management accounting system?

4. Are these records used as a basis for payments and financial status reports submitted to EPA?

5. Are accounting records and financial statements subject to an independent audit?

   a. When was the last audit?

6. Does the organization maintain the basic books of accounts electronically or otherwise:

   a. General ledger

   b. Operating ledger

   c. Project cost ledger

   d. Cash receipts journal

   e. Cash disbursement journal

   f. Payroll journal

   g. Income journal

   h. Purchase journal

Basically try to determine from the above whether the accounting system adequately identifies receipt and disbursement for each grant and sub-award.

7. Does the accounting system provide for tracking and recording of:

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a. the non-federal share

b. in-kind contributions

c. program income

8. Is there a linkage between budget cost categories and the recording of expenditures in the accounting system?

9. Does the organization have on board at least one individual with an accounting, financial management, or budget background?

10. Are there budgetary controls to preclude incurring excess expenditures (e.g., monthly reported comparison of budget to actual expenditures)?

Total funds remaining:

Total funds by budget and cost category:

Additional program income generated:

11. Are cash requirements and/or draw downs limited to immediate needs?

How often do you draw down?

Are you on ASAP?

Are you on advance or reimbursement?

General Comments:

---

RCRC **Personnel**

Personnel policies and practices of an organization help to solidify organizations and their staffs as qualified recipients. It is with this aspect in mind that we incorporate the following questions:

1. Are personnel policies established in writing or in the process of preparation which detail:

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a. Qualifications for each position?

b. Duties and responsibilities of each employee's position?

c. Salary ranges?

d. Equal employment opportunities?

e. Annual performance appraisals?

f. Types and levels of fringe benefits paid to all employee categories? (Obtain a copy.)

2.Are salaries of personnel assigned to the award about the same as before the assignment?

a. Were pay increases made? How much?

3. Do personnel and/or payroll record actual hours of time attendance, leave and earnings for all employees?

4. Are time distribution records maintained to show the amount of time spent by an employee of more than one project or program?

5. Do the Time sheets cover the total payroll period?

6. Are employees' Time sheets approved? By whom (what position)?

7. For those employees whose duties require work away from the office how is it documented?

RCRC

C. Payroll - if applicable

1. Does preparation of the payroll involve more than one employee? How many and who?

2. Are the names of employees hired and terminated reported in writing to the payroll department?

3. Are salaries and wage rates authorized and approved in writing by a designated official or

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supervisor?

4. Are vacation and sick leave payments similarly authorized or fixed?

5. Is there a verification against payments for vacation, sick leave, etc. in excess of amounts authorized or approved?

6. Are signed authorizations on file for all deductions made from employees' wages and salaries?

7. How are payroll checks (EFT) distributed?

8. Are payroll checks distributed to employees by someone other than the supervisor?

---

RCRC **D. Travel** for TA

1. Does the recipient's written travel policies and procedures provide or require:

   a. Allowable travel costs to be reimbursed based on actual or per diem?

   b. Firmly established mileage rates?

   c. Receipts for lodging and meals are required as appropriate?

   d. Per diem rates include reasonable dollar limitations?

   e. Subsistence, lodging, and mileage rates are comparable to Federal rates?

   f. Travel requests are approved prior to occurrence and show destination and purpose of trip?

2. Are there adequate documents to support travel? for TA

3. Do travel and Time sheets support the employees activities while he/she was on travel status?

4. Are travel policies and procedures consistently followed?

5. Judge-mentally sample and test travel transactions?

Comments:

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RCRC & EPA

**E. Matching or Cost Sharing**

According to Part 31, the basic rule is that with certain qualifications and exceptions (See Part 31.24 (b), a match or cost sharing requirement may be satisfied with (1) allowable costs incurred by the recipient, subgrantee, or cost-type contractor under the award, including allowable costs borne by a non-Federal grants or other cash donations from non-Federal third parties; and (2) the value of third party in-kind contributions applicable to the period to which the cost sharing or matching requirement applies.

However Part 30 expressly prohibits EPA to require cost sharing or matching unless required by statute, regulation, Executive Order, or official Agency policy. Part 30.23 (a) through (i) provides criteria on the acceptability, purpose, and types of contributions made in relation to cost sharing or matching purposes, and the support for such.

1. What costs and contributions comprise the match under the agreement(s)? (May have to select one or two of agreements.)

2. Are these costs borne by another federal grant?
In what way?
And was it a condition approved in the assistance agreement?

3. Are the costs and contributions verifiable?

   **a.** Run test of such using a small sample.

4. Are these costs allowable?

5. Was program income used to satisfy match or cost share? If so, is there a term and condition in the award?

6. Is contractor income used to satisfy match?
If so is there a term and condition that permits this? (31.24 (b) (5))

7. Does it meet applicable standards for third party in-kind contributions; and valuation requirements? (31.24 (b) (7))

8. Does the recipient receive In-kind and third party in-kind contributions under its agreements?

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a. What is the total of these contributions for each agreement?

**F. Indirect Costs**

1. Is the indirect cost rate claimed under the EPA Agreement negotiated with a Federal Agency?

a. Describe the process and schedule for negotiating.

2. Is there an approved cost allocation plan by EPA for indirect costs charged to more than one program?

Comments:

RCRC **G. Procurement Questionnaire**

**a. Contracts**

1. Were contracts awarded under the EPA Agreement in accordance with 40 CFR Parts 30 and 31? (See 30.40 - .48 and 31.36 - .37)

2. Do any of your contracts exceed the small purchase threshold?

3. Were contracts awarded under the EPA Agreement in accordance with recipient's or state's procurement procedures? (See 31.36)

4. Does the recipient use a pre-qualified lists of persons, firms or products to acquire goods and services?

5. Does the recipient have documentation to show compliance with the six affirmative steps for Minority-owned and Women-owned Business Enterprises (MBE/WBE)?

6. Has the recipient established an annual fair share objective for MBE/WBE?

7. Has recipient submitted an annual MBE/WBE report?

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8. Has recipient established an affirmative procurement system for recycled materials?

Comments:

RCRC **b. Purchasing**

1. Does the organization have written purchasing procedures?

If not, comment on how purchases are handled.

2. Does the policy/procedure consider such matters as quality, cost, delivery, competition, source selection, etc.?

5. Are competitive bids obtained for items such as rentals or service agreements over specific amounts?

6. Are purchase orders or some other documentation required for purchasing all equipment and services?

7. Is control maintained over items or dollar amounts requiring the contracting or grants management officer's advance approval?

8. Is the accounting department notified promptly of purchase goods returned to vendors?

9. Are the vendor invoices checked for:

a. Prices and credit terms?

b. Extensions?

c. Errors and omissions?

d. Freight charges or disallowances?

10. Are vouchers, supporting documents, expenses, or other distributions reviewed and initialed by designated/responsible staff before payment is authorized?

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RCRC **c. Consultants**

1. Do written policies or procedures address the use of consultants?

2. Do the policies/procedures provide for

   a. Circumstances under which consultants may be used?

   b. Consulting rates, per diem, etc.?

3. Are consultants required to sign consulting agreements outlining services to be rendered, duration of engagement, reporting requirements, and pay rates?

**H. Property Management Questionnaire**

1. Was equipment purchased during the approved project period?

2. Are records maintained in inventory or otherwise which provide a description of the items purchased, acquisition costs and dates, and locations?

3. Did EPA approve a usage rate for equipment used at more than one site or activity?

4. Does the recipient have in place an inventory control system (including procedures and operation) which follows State or Federal regulations?

5. Are inventories of Federal property conducted in accordance with State or Federal regulations?

Comments:

**I. Internal Controls**

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1. Is there a separation of responsibility in the receipt, payment, and recording of cash?

For instance:
Are the duties of the record keeper or bookkeeper separated from any cash function?

2. Are all checks approved by an authorized official before being signed?

3. Are all accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, vendor payments)?

4. Does the organization have an internal auditor or audit staff?

5. Is there a petty cash fund where responsibility is vested in one individual; limited to a reasonable amount; restricted as to purchase; and counted, verified, and balanced by an independent employee at time of reimbursement?

6. Is there a reconciliation of receipts and expenditures to source documentations?

7. Are employees who handle funds required to be bonded against loss by reason of fraud or dishonesty?

RCRC & EPA

**J. Transaction Testing**

1. Select from the following areas to perform a judgmental sample and test.

   a. Travel
   b. Personnel/Payroll
   c. Purchases
   d. Procurement/Subaward.
   e. Property/Inventory

(As an alternative, select all or several of the areas and test on one or two items in each.)

2. If applicable, perform sample computations at least one of each below.

   a. Matching/cost share
   b. Program income.

COPY

**K. Observations**

Reviewers' observations while on-site:

**David Douglas**
**<douglas@nm.net>**

09/01/2003 12:37 PM

To: douglas@nm.net, rconn@amigosbravos.org, btatum@laplaza.org, minniemoomoo@comcast.net, hopesmail@zianet.com, redhow@taosnm.com, herrera02@kitcarson.net, azurite@amigo.net, fez@sdc.org, elgaucho@laplaza.org
cc: Beverly Negri/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: RCRC website statistics for 08/2003

Greetings Everyone --

I compiled some of the more interesting statistics on our website for August and thought I'd pass them along in the attached document.

I keep trying to think of ways to increase traffic to our website. We really want local people to access it so talk it up! It's really for everyone in the affected communities - not France, Germany, Peru, etc.

A survey of local people to see who has Internet access would give a lot of insight as to how effective it is. I would like to pose the question at our next community meeting and give another presentation. Please give me your thoughts.

Thanks.

David

RCRC-Website-Stats-08-03.dc

<><><><><><><><><><><><><><><><><><><><><><><><><><><><><><><><><>


David Douglas
4601 Montano NW, #116
Albuquerque, NM 87120
douglas@nm.net
505.899.0774

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, New Mexico 87556
info@rcrc.nm.org
http://www.rcrc.nm.org


<><><><><><><><><><><><><><><><><><><><><><><><><><><><><><><><><>

**RCRC Website Stats for August, 2003**
**rcrc.nm.org**

2997 total hits (total number of visits to our website)
Average hits per day: 96.6
Most hits in one day: 239 on 08/19
Least hits in one day: 36 on 08/17

By far the majority of hits were direct requests, i.e., people accessed our website by typing our address (rcrc.nm.org) directly into their browsers or from recording our website as a bookmark.

Search engine requests provided the following information:

International visitors by country (all that could be identified):

| **Country Domain** | **Country** |
|---|---|
| AR | Argentina |
| AU | Australia |
| BR | Brazil |
| CA | Canada |
| CL | Chile |
| CN | China |
| FR | France |
| DE | Germany |
| IE | Ireland |
| IT | Italy |
| JP | Japan |
| MX | Mexico |
| NL | Netherlands |
| NZ | New Zealand |
| PE | Peru |
| PT | Portugal |
| CH | Switzerland |
| TH | Thailand |
| TR | Turkey |
| UK | United Kingdom |

Interesting referrers – visits to our website from other websites (excluding search engines). This is only a few and does not include all referrers:

| **Company or Website Name** | **Internet Address** |
|---|---|
| Precision Intelligence | http://www.precisionintelligence.com/ |
| Astra Hekserij | http://www.astara.info/portaal/opendir.php?/Society/Issues/Environment/Organizations/Regional/North_America/United_States/ |

| | |
|---|---|
| Integrated Marketing Systems | http://www.imsinfo.com/<br>also -<br>http://io.ddstech.net/Agencies_Edit.asp?ID=59%23sara%2A1&RecordID=1205 |
| FindLaw | http://lawcrawler.findlaw.com/scripts/lc.pl?country=&start=20&lang=&entry=New+Mexico+Water+Quality+Act.+NMSA&sites=all |

Interesting search strings used in various search engines (Google, Yahoo, Alta Vista, MSN, etc). This is only a few and does not include all search strings used:

| **Actual search string typed into a search engine** | **RCRC website document retrieved** |
|---|---|
| ncp on vomiting regarding on abortion | rifs-aoc-final.html |
| enchanted circle | enc-circle.html |
| total dissolved solids | gl-tds.html |
| french drain | gl-french-drain.html |
| questa new mexico | questa-info.html |
| Taos News | 07-03-03-taos-news-atsdr.html |
| Questa Colorado | rcrc.nm.org |
| Clean Water Act of 1972 | gl-clean-water-act.html |
| Molybdenum Mine (& variations; moly, molybdenum, etc.) | questa-info.html, particpants.html, gl-minsite.html |
| 40CFR | gl-40cfr.htm |
| rio colorado | rcrc.nm.org |
| glossary of metals | gl-heavy-metals.html |
| block caving | block-caving-method.html |
| angle of repose | gl-angle-of-repose.html |
| gaining stream | gl-gaining-stream.html, gl-losing-stream.html |
| Questa NM telephone directory | questa-info.html |
| coop housing in new mexico | questa-info.html |
| molycorp reclamation | pa-report/main.html |
| SCORPIOS EPA | rifs-aoc-final.html |
| RCRC Management | gl-best-management-practices.html |
| angle of repose for soil | gl-angle-of-repose.htm |
| "University of New Mexico" employment | questa-info.html |
| chromium cancer judgment indemnification | rifs_aoc.doc, rifs_aoc.pdf |
| "mark purcell", epa | 07-03-03-taos-news-atsdr.html |
| mining OR minerals "Questa New Mexico" | questa-info.html |
| "guidance for conducting remedial investigations and feasibility studies under cercla" and "oswer directive 9355.3-01" | rifs-aoc-final.html |

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

cc: Purcell 9/2
File Room
Repository 9/2
TAG File


*Board of Directors*

Roberto Vigil
President

Rachel Conn
Vice President
Program Director

Hope Buechler
Secretary/Treasurer

David Douglas

Karen Douglas

Carlos Herrera

Marsha Reddell

Taylor Streit

Brooke Tatum

*Grant Administrator*

Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco


August 17, 2003

Beverly Negri
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

Dear Beverly,

Please find enclosed our third quarterly progress report. The report covers activities from April 1, 2003 through June 30, 2003. This has been a busy period for the Rio Colorado Reclamation Committee, as our Technical Advisors have completed reports, community meetings took place, and numerous issues, demanding attention and action on behalf of the group, have arisen.

There are several enclosures included for your review:

- RCRC's Comments on the Public Health Assessment written by the Agency for Toxic Substances and Disease Registry (ATSDR)
- RCRC's Response to Remedial Investigation / Feasibility Study work plan.
- A contact list of regulatory agencies and officials related to the Molycorp Mine situation.
- List of 2/26/03 and 6/24/03 community meeting attendees.
- Minutes of the 6/24/03 community meeting.
- Letters of petition to congressional delegation regarding the initial ASTDR Public Health Assessment.
- Flyers from the ASTDR Community Meeting.

The Rio Colorado Reclamation Committee anticipates continued activity throughout the summer months as initial draft reports are released by lead agencies. RCRC takes its role as a TAG very seriously and strives to fulfill its mission with the utmost diligence.

If any questions should occur regarding the enclosed report or for any other matter, please do not hesitate to contact us.

Thank you for all your support.

Molycorp molybdenum mine


P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

Rio Colorado
Reclamation Committee

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Meeting [redacted] Rio Colorado Reclamation Committee 2[redacted]/03

| Name | Address | phone |
|---|---|---|
| Rachel Conn | P.O. Box 824 San Luis CO. 81152 | 719-672-0401 |
| Patrick Nicholson | | |
| Carlos Herrera | 6459 NBC Dr Taos, NM 87571 | 505-751-3063 |
| Nancy Bongiorno | Questa, N.M. 87556 P.O Box 673 Questa, NM 87556 | 505-586-0319 |
| Marsha Geddell | | 586-0359/ 0124 |
| [illegible] | BOD - RCRC Committee. P.O. Box 555 | 586-1204 Bx 986 Questa 87556. |
| Brent Jaramillo | PO Box 260 Questa, NM 87556 | |
| ART MacKinnon | | 586-0691 |
| Ken Kuco Azurea Inc | Box 747 Red River NM 87558 | 754-6447 |
| | PO Box 338 Cotopaxi, CO 81223 | 719-942-4178 |
| JOAN Scott | P.O. Box 6034 QUESTA, NM 87556 | 586-0239 |
| Karen Douglas | 4601 Montano NW, #116 ABQ NM 87120 | 505-899-0774 586-2293 |
| Michele Potter | 5429 NDCBU TAOS 87571 | 758 8013 |
| Steve Blodgett | P.O. Box 237 Socorro, NM 87801 | 838-3899 |
| David Douglas | 4601 Montaño NW, #116 Albuquerque, NM 87120 | 899-0774 · Albuquerque 586-2293 - Questa |

6/24/03 Meeting RCRC + Other Groups with ATSDR

| NAME | GROUP | PHONE # | E-MAIL |
|---|---|---|---|
| ~~Ken Kico~~ | ~~RCRC~~ | 719.942.4178 | azurite@amigo.net |
| Rachel Conn | RCRC/Amigos Bravos | 719-672-0401 | rconn@amigosbravos.org |
| PATRICK YOUNG | ATSDR, DALLAS, TX | 214-665-8562 | young.patrick@epa.gov |
| Elaine McEachern | ATSDR, Atl. Ga | 404-498-0070 | arp3@cdc.gov |
| Kris Larson | ATSDR | (404) 498-0587 | kil1@cdc.gov |
| Lisa Hayes | ATSDR/Atlanta | 4044980435 | LHayes@cdc.gov |
| Leslie Campbell | ATSDR/Atlanta | (404)498-0473 | LCampbell@cdc.gov |
| Debra Joseph | ATSDR | (404)498-1758 | DOJ7@cdc.gov |
| CARLOS HERRERA | RCRC | 505 586-0319 | HERRER@NITCAROONET |
| Marsha Reddell | RCRC BOD Taos | 505-586-1204 | redhow@taosnm.com |
| Faith Berghofer | NM. DOH | 505 758 4719 | faith.berghofer@doh.state.nm.us |
| BROOKE TATUM | RCRC/QSEG | 776-3905 | btatum@laplaza.org |
| Juhan & Bonnie Wathaw | TAG RCRC | 586-1854 | Jwathaw@yahoo.com |
| Taylor Streit | RCRC | 505 751 1312 | tstfish@laplaza.org |
| Harry Cauley | | 586-1646 | |
| Jack A. Cisneros | | 586-1856 | |
| David Douglas | | 505-586-2293/505-899-0774 | douglas@unm.edu |
| Michele Potter | Red River Watershed Group | 505 758-8013 | mpotter@unm.edu |
| Hope Buechler | RCRC | 776-1580 | hopesmail@zianet.com |
| MARK PURCELL | USEPA | 214-665-6707 | PURCELL.MARK@EPA.GOV |
| KAREN DOUGLAS | RCRC | 505 586-2293 505 899-0774 | miami@mesanet.com |
| Beverly Negri | USEPA | 214 665-8157 | negri.beverly@epa.gov |
| Steve Blodgett | RCRC | 505-838-3895 | fez@sdc.org |
| Roberto Vigil | RCRC | 505-586-0202 | PO Box 333 Questa NM 87556 |
| Nancy Gonzales | | 505-586-0124 | nancela@kit carson.net |
| Rachel Conn | RCRC/Amigos Bravos | | rconn@amigosbravos.org |
| CAROL MORGAN-EAGLE | RSEC | 586-1765 | morganeag@hotmail.com |

TAG File

# COMMUNITY MEETING

Site: MOLY CORP Location: QUESTA, NM Date: 8/27/03 Page: 1-6

Reunión pública para la comunidad de el sitio de Molycorp Mine. Página:

**NOTICE: THIS INFORMATION MAY BE SHARED WITH LOCAL, STATE AND OTHER FEDERAL AGENCIES, AND POTENTIALLY RESPONSIBLE PARTIES.**

**ADVERTENCIA: SE PUEDE PROVEER ESTA INFORMACION A OTRAS AGENCIAS FEDERALES, ESTATALES, Y LOCALES, Y PERSONAS POSIBLEMENTE RESPONSABLES**

## SIGN-IN SHEET/REGISTRO

| Name or Initials Nombre o Iniciales | Organization Organización | Mail List Desea Recibir Correspondencia | Mailing Address Dirección | State Estado | Zip Código Postal | Phone No. Teléfono | E-mail |
|---|---|---|---|---|---|---|---|
| W. C. KING | NMED | | PO Box 208, Taos NM 87571 | NM | 87571 | 505-758-0808 | WILLIAM_KING@NMENV.STATE.NM.US |
| Kirsten Knapp | Molycorp | | | NM | | | KKnapp@molycorp.com |
| Antonio J. Trujillo | | | P.O. Box 828 Questa | N.M. | 87556 | 505 586-0298 | |
| Rachel Jankowitz | NMGF | | | | | | |
| Kim Garcia | | | P.O. Box 164 Questa | N.M. | 87556 | | Kimberley Garcia |
| Joseph RAEL | moly corp | | P.O. Box 2041 Ranchos TAOS | NM | 87557 | 505 751-3441 | Joseph Rael |
| Virginia O'Connor | | | P.O. Box 151 Questa | N.M | 87556 | 505 586-2041 | |
| Two Birds Soaring | | yes | HC 81, Box 616, Questa | N.M. | 87556 | | |
| Rachel Conn | RCRC | | | | | | |
| Brooke Fatum | RCRC | yes | | | | | |
| Jill Dyken | ATSDR | yes | 1600 Clifton Rd., Mailstop E-32 Atlanta GA 30333 | GA | 30333 | 404-498-0428 | JDyken@cdc.gov |
| KAREN DOUGLAS | RCRC | YES | 4149 MONTANO NW, APT H4 ABQ, N.M 87120 | NM | 8720 | 505-899-0774 | |
| Al Pastenis | NMED | | P.O. Box 26110 Santa Fe, NM 87502 | NM | 87502 | 505 827-2575 | |
| Eugene Garcia | | | P.O. Box 302 Questa NM | | | | |

## COMMUNITY MEETING

Site: MOLY CORP Location: QUESTA, NM Date: 8/27/03 Page: 2-6

Reunión pública para la comunidad de el sitio de Moly corp Mine, Página:

**NOTICE: THIS INFORMATION MAY BE SHARED WITH LOCAL, STATE AND OTHER FEDERAL AGENCIES, AND POTENTIALLY RESPONSIBLE PARTIES.**

**ADVERTENCIA: SE PUEDE PROVEER ESTA INFORMACION A OTRAS AGENCIAS FEDERALES, ESTATALES, Y LOCALES, Y PERSONAS POSIBLEMENTE RESPONSABLES**

# SIGN-IN SHEET/REGISTRO

| Name or Initials<br>Nombre o Iniciales | Organization<br>Organización | Mail List<br>Desea Recibir Correspondencia | Mailing Address<br>Dirección | State<br>Estado | Zip<br>Código Postal | Phone No.<br>Teléfono | E-mail |
|---|---|---|---|---|---|---|---|
| BONNIE WATHAWA | AMIGOS | ✓ | PO Box 606 Questa 87556 | | | (505) 586-1854 | |
| Carlos A Cisneros | | | | | | | |
| ARON RAEL | | ✓ | PO BOX 1208 Q-TOWN | NM | 87556 | 586-1450 | |
| PAUL GALLEGOS JR | | | P.O. Box 134 QUESTA | N.M. | 87556 | 586-0665 | |
| GARY GALLEGOS | | ✓ | 24 BAGAMO LN. RANCHOS | NM | 87557 | 770-2756 | |
| Bonnie Gallegos | | | P.O. BOX 257 Questa | NM | 87556 | 586 1702 | |
| Brian & Kyle Conda | | | PO Box 11 Questa | NM | 87556 | 586-2366 | |
| Lino E Garcia | | | | | | | |
| Jim Vaughn | | | QUESTA | | | | |
| [illegible] | | | Questa | | | | |
| [illegible] | | | Questa | | | | |
| Art Martinez | | | Box 747 RR | NM | 87556 | 754 6447 | |
| Bill Sharrer | | | Molycorp | | | 586-7626 | |
| Joe Archuleta | | | Cerro, NM | NM | 87519 | 586-0354 | |

# COMMUNITY MEETING

Site: MOLY CORP Location: QUESTA, NM Date: 8/22/03 Page: 3-6

Reunión pública para la comunidad de el sitio de Molycorp, _____ Página: ____

**NOTICE: THIS INFORMATION MAY BE SHARED WITH LOCAL, STATE AND OTHER FEDERAL AGENCIES, AND POTENTIALLY RESPONSIBLE PARTIES.**

**ADVERTENCIA: SE PUEDE PROVEER ESTA INFORMACION A OTRAS AGENCIAS FEDERALES, ESTATALES, Y LOCALES, Y PERSONAS POSIBLEMENTE RESPONSABLES**

## SIGN-IN SHEET/REGISTRO

| Name or Initials<br>Nombre o Iniciales | Organization<br>Organización | Mail List<br>Desea Recibir Correspondencia | Mailing Address<br>Dirección | State<br>Estado | Zip<br>Código Postal | Phone No.<br>Teléfono | E-mail |
|---|---|---|---|---|---|---|---|
| [illegible] | CCBG | yes | P.O. Box 555, | NM. | 87556 | 586-1856 | |
| Tony Mez | | | PO Box 111 San Cristo | NM | 87564 | 776-8686 | |
| Jack Gallegos | Molycorp | yes | P.O. Box 948 Questa | NM | 87556 | | |
| Frank Gonzales | | | P.O Box 1088 | " " | 87556 | 586-1667 | |
| Tracy Delany | URS | NO | | | | | |
| John Kunesh | | NO | PO Box 37 Red River | NM | 87558 | 754-6540 | JGKUNESH@AOL.COM |
| Larry Sanchez | Village of Questa | | PO Box 2831 Questa | NM | 87556 | 586-1646 | |
| [illegible] | | | Box 74 Questa | NM. | 875[illegible] | 586-0793 | |
| DAVE SPERLING | | YES | Box 865 QUESTA | NM | 87556 | | |
| Edwin Cordova | | Yes | P.O. Box 723 Questa | NM | 87556 | 581-1402 | |
| William Maxwell | Taos News | Yes | P.O. Box U, Taos | NM | 87571 | 758-2241 | Wmaxwell@taosnews.com |
| Patrick Young | ATSDR | | EPA DALLAS | TX | | 2146658562 | |
| | | | | | | | |
| | | | | | | | |

# COMMUNITY MEETING

Site: Molycorp Location: QUESTA, NM Date: 8/21/03 Page: 4-6

Reunión pública para la comunidad de el sitio de _____, _____ Página: ____

**NOTICE: THIS INFORMATION MAY BE SHARED WITH LOCAL, STATE AND OTHER FEDERAL AGENCIES, AND POTENTIALLY RESPONSIBLE PARTIES.**

**ADVERTENCIA: SE PUEDE PROVEER ESTA INFORMACION A OTRAS AGENCIAS FEDERALES, ESTATALES, Y LOCALES, Y PERSONAS POSIBLEMENTE RESPONSABLES**

## SIGN-IN SHEET/REGISTRO

| Name or Initials<br>Nombre o Iniciales | Organization<br>Organización | Mail List<br>Desea Recibir Correspondencia | Mailing Address<br>Dirección | State<br>Estado | Zip<br>Código Postal | Phone No.<br>Teléfono | E-mail |
|---|---|---|---|---|---|---|---|
| Arlene Sánchez | | NO | P.O Box 287 Questa | NM | 87556 | 505-586-0231 | — |
| Armando Martinez | Molycorp | yes | P.O. Box 111 San Cristobal | NM | 87564 | | armando@molycorp.com |
| J.B. Herrera | | | P.O. Box 312 Questa | N.M | 87556 | 586-0287 | |
| Phil Dixon JR | Molycorp | yes | P.O. Box 12 Questa | N.M | 87556 | | |
| ADAM RANKIN | ABQ JRNL | YES | 328 GALISTEO SANTA FE | NM | 87501 | 986 8881 | ARANKIN@ABQJOURNAL.C |
| HARRY EATON | CERRO RESIDENT | YES | PO BOX 698 QUESTA | NM | 87556 | — | — |
| STEVE SANCHEZ | QUESTA RESIDENT | YES | P.O. Box 338 QUESTA | NM | 87556 | 586-0162 | |
| Miguel A. Ortiz | Questeño | yes | P.O. Box 742 Questa | N.M | 87556 | 505 586-1720 | — |
| MONTE DOEREN<br>Carlie Leven | Questa. | | PO Box 1027 Questa | NM | 87556 | 505 586-1480 | |
| James P Cordova | Duncan | yes | PO Box 1004 Garcia Co | Co | 81134 | 7196724250 | |
| MAX Ortega | QFD | yes | P.O Box 662 Questa | N.M | 87556 | 505 586-0311 | |
| Clemente Gallegos | molycorp | yes | Po Box 164 Cerro | N.M | 87519 | 586-2077 | |
| Hollars Shepard | MMMD | ~~yes~~ | 1220 S. St. Francis Dr. Santa Fe | NM | 87505 | 476-3437 | |
| | | | | | | | |

# COMMUNITY MEETING

Site: MOLY CORP Location: QUESTA, NM Date: 8/23/03 Page: 5-6

Reunión pública para la comunidad de el sitio de Molycorp Mine, _____ Página: ____

**NOTICE: THIS INFORMATION MAY BE SHARED WITH LOCAL, STATE AND OTHER FEDERAL AGENCIES, AND POTENTIALLY RESPONSIBLE PARTIES.**

**ADVERTENCIA: SE PUEDE PROVEER ESTA INFORMACION A OTRAS AGENCIAS FEDERALES, ESTATALES, Y LOCALES, Y PERSONAS POSIBLEMENTE RESPONSABLES**

## SIGN-IN SHEET/REGISTRO

| Name or Initials<br>Nombre o Iniciales | Organization<br>Organización | Mail List<br>Desea Recibir Correspondencia | Mailing Address<br>Dirección | State<br>Estado | Zip<br>Código Postal | Phone No.<br>Teléfono | E-mail |
|---|---|---|---|---|---|---|---|
| Sandra Bonner | none | ✓ | PO BOX 151 Questa | NM | 87556 | 586-2041 | webmaster@footbag.com |
| Anne Wagner | Molycorp | ✓ | PO 469 Questa | NM | 87556 | 586-7625 | awagner@molycorp.com |
| KEN GARRARD | none | ✓ | PO BOX 945 QUESTA | NM | 87556 | 586-1049 | |
| Len Flowers | NMDOH | ✓ | | NM | | 476-3574 | len.flowers@doh.state.nm |
| Marsha Reddell | RCRC | ✓ | P.O. 986 Questa | NM | 87556 | 505 586 1204 | rzdhow@taosnet |
| Lisa Hayes | ATSDR | ✓ | 1600 Clifton Rd. E-32 Atlanta | GA | 30333 | 404 498 0435 | LHayes@cdc.gov |
| CAROL MORGAN-EAGLE | | ✓ | P.O. BOX 1045 EL PRADO | NM | 87529 | | morganeagle@[illegible] |
| Taylor Street | RCRC | ✓ | PO Box 2759 Taos | " | 87571 | 751 1312 | ts[illegible]@laplaza.[illegible] |
| David E. Trujillo | MolyCorp | ✓ | P.O. Box 848 Questa | NM | 87556 | 505-586-1005 | |
| Raymond Rocheco | molycorp | ✓ | PO Box 180 Questa | NM | 87559 | 586-9899 | |
| | | | | | | | |
| | | | | | | | |
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COMMUNITY MEETING

Site: MOLY CORP Location: QUESTA Date: 8/27/05 Page: 6-6

Reunión pública para la comunidad de el sitio de MOLYCORP MINE Página: ____

NOTICE: THIS INFORMATION MAY BE SHARED WITH LOCAL, STATE AND OTHER FEDERAL AGENCIES, AND POTENTIALLY RESPONSIBLE PARTIES.

ADVERTENCIA: SE PUEDE PROVEER ESTA INFORMACION A OTRAS AGENCIAS FEDERALES, ESTATALES, Y LOCALES, Y PERSONAS POSIBLEMENTE RESPONSABLES

# SIGN-IN SHEET/REGISTRO

| Name or Initials<br>Nombre o Iniciales | Organization<br>Organización | Mail List<br>Desea Recibir Correspondencia | Mailing Address<br>Dirección | State<br>Estado | Zip<br>Código Postal | Phone No.<br>Teléfono | E-mail |
|---|---|---|---|---|---|---|---|
| TERENCE FOREBACK | NRT EMNRD | | | | | | TFOREBACK @ STATE.NM.US |
| Eduard Gonzalos | | | | | | | edgonzalos@cybernet.com |
| Meghan Jackson | Molycorp | | | | | | |
| Gilbert Garcia | Molycorp | | | | | | |
| Ray Torres | Molycorp | | | | | | |
| Peggy K. Gross | Res. | | | | | | |
| JOEL GIARRATTO | Molycorp | | | | | | |
| Martin J. Dimas | Molycorp | | | | | | |
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**Beverly Negri**

08/19/03 06:04 PM

To: azurite@amigo.net, sblodgett@csp2.org
cc: Mark Purcell/R6/USEPA/US@EPA, (bcc: Zana Halliday/R6/USEPA/US)
Subject: Sampling Plan Review Feedback Needed

Ken & Steve,

Other than the copy of the 7/22/03 report on "Wind Blown Transects" that Steve sent me several weeks ago, we have not received any comments from you guys on the revised sampling plan that Mark provided to you. In order for Mark to adequately read and understand your review/comments on the sampling plan and consider incorporation of your input into the plan, he needs to receive an electronic copy of your comments by Thursday morning, August 21. Unless Mark is aware of any concerns you might have about the sampling, he can't be prepared to address them at the Questa Community Coalition (QCC) meeting next week I know that we all want to make the first QCC meeting successful.

Mark hopes to provide update information about the QCC at the community meeting on August 27. Thanks for your support.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Ind Notice Posted to Community by RPM 8/12/03

# Community Meeting

**The U.S. Environmental Protection Agency (U.S. EPA) is Conducting a Community Meeting for the Molycorp Inc., Superfund Site in Questa, NM.**

**The purpose of the meeting is to present a summary of the site findings to date and provide an update of the ongoing Remedial Investigation/Feasibility Study. At this meeting representatives of the U.S. EPA will address questions that citizens may have about the site.**

**The meeting is to be held Wednesday, August 27, 2003 at 6:30 p.m. - 9:00 p.m. at St. Anthony Parish Center. Highway 522, Questa, New Mexico.**

# *Reunión Para La Comunidat*

**La Agencia para la Protección del Medio Ambiente (EPA EE.UU.) tendra una reunión para la comunidat acerca de Molycorp Inc., Sitio de Superfondo en Questa**

**El propósito de la reunión es para presentar un resumen de los resultados obtenidos todavia, y el estado general de la investigación correctivo y el estudio de factibilidat. En este reunión representantes de la EPA contestaran preguntas que ciudadanos pueden tener sobre el sitio.**

**Este reunión se congregara El miercoles 27 Agosto, 2003 de las 6:30 hasta las 9:00 de la noche en el Centro de la parroquia San Anthonio. Carretera 522, Questa, New Mexico.**

**Beverly Negri**

08/18/03 07:04 AM

To: "Goldberg, Mitchell" <GoldbergMS@cdm.com>
cc: Mark Purcell/R6/USEPA/US@EPA, "Werden, Clinton" <WerdenCS@cdm.com>, Henry Thompson/R6/USEPA/US@EPA, Tomc Reilly/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA, Duke Ducote/R6/USEPA/US@EPA, Patrick Young/R6/USEPA/US@EPA
Subject: Re: Molycorp Inc. - PowerPoint Storyboard - August 27, 2003

Mitch,

Has the invitation for the August 27 community meeting been reprinted and mailed out? We are now in a crisis mode since the original meeting announcements didn't do out early last week because of the thin paper stock. Also did the meeting announcements get posted in the community like Mark asked?

I also did not get an electronic copy of the mailing and **I must have it his morning.** I must send it out to the community, ATSDR and to our external Region 6 list.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

"Goldberg, Mitchell" <GoldbergMS@cdm.com>

**"Goldberg, Mitchell" <GoldbergMS@cdm.com>**

08/13/2003 12:40 PM

To: Mark Purcell/R6/USEPA/US@EPA, "Werden, Clinton" <WerdenCS@cdm.com>
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Molycorp Inc. - PowerPoint Storyboard - August 27, 2003

<<StoryBoard_August 27, 2003.xls>>

A
Mitchell S. Goldberg
Senior Project Manager
8140 Walnut Hill Suite 1000
Dallas, Texas 75231
214-346-2800 Fax. 214-696-5373
Cell 214-585-1193

StoryBoard_August 27, 2003.x

# *Questa Meeting*

1st Notice mailing 8/7

**You are invited to a U.S. Environmental Protection Agency Community Meeting for the Molycorp, Inc. Superfund Site.**

The purpose of the meeting is to present a summary of the site findings to date and provide an overall status report on the site Remedial Investigation/Feasibility Study. At this meeting representatives of the U.S. EPA will address questions that citizens may have about the site. The meeting will be held:

**Wednesday**
**August 27, 2003**
**6:30 p.m. - 9:00 p.m.**
**St. Anthony Parish Center**
**Questa, New Mexico**

# *Questa Reunion*

**Ud. esta invitado a un reunion publico de la Agencia para Proteccion del Medio Ambiente en la tema del Molycorp, Inc. sito de Superfund**

El proposito de la reunion es para presentar un sumario del sitio hasta la fecha y proceer un inorme completo sobre la Investigacion Terapeutica/Estudio de Factibilidad del sitio. A este reunion represenmtanmtes de la Agencia para Proteccion del Medio Ambiente de los E.E.U.U. dirigiranm preguntas esas cidudadanos pueden tener del sitio. La reunion sera mantenida.

**El miercoles**
**27 Agosto, 2003**
**6:30 PM hasta 9:00 PM**
**Centro de la parroquia St. Anthony**
**Questa, New Mexico**

August 7, 2003

Patrick Nicholson
Grant Administrator
266 Maria Elena Road
Taos, NM 87571

Re: Molycorp, Inc. Superfund Site
Technical Assistance Grant (TAG)
Number 1-98687101-0
Payment Request and Invoices

Dear Mr. Nicholson:

The U.S. Environmental Protection Agency (EPA) received copies of receipts for the balance of the $5,000 advance for TAG expenditures incurred by Rio Colorado Reclamation Committee (RCRC). Also received was a copy of the payment request for $1,494 that you submitted to the Las Vegas Finance Center (LVFC). Thank you for sending the LVFC your Payment Request Form as required and sending the back-up documentation to us.

Your Quarterly Progress Report for the period April 1 through June 30, 2003 is due on August 15, 2003. In your report, please include electronic or hard copies of any documents and data reviews completed to date by the Technical Advisors (TA). We need to place copies of the TA reports in the repository so that the community will have the opportunity to view them.

We look forward to meeting with you and Rachel on Tuesday, August 26, for the Compliance Review. If you have any questions, call me or Zana Halliday at 1-800-533-3508.

Sincerely,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Ms. Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

bcc: Purcell (6SF-LP)
Coulson (6MD-RX)
TAG File (6SF-PO) L:MolyRFR#2.wpd

**Beverly Negri**

08/05/2003 11:55 AM

To: elgaucho@laplaza.org, rachellconn@yahoo.com
cc: Zana Halliday/R6/USEPA/US, Dan Hochstetler/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc:
Subject: TAG Compliance Review - August 26, 2003

not attached for TAG file

TAGComplianceFormMolycorp.w

Attached above is the electronic copy of the "On-Site Protocol for the Technical Assistance Grants" document that I will use for the compliance review on 8/26. Please be prepared to have on hand all of the Rio Colorado Reclamation Committee TAG files and related documents for our review. Before the visit, I recommend that you go through the protocol and make sure you have all of the required documents in your file and can answer all of the TAG specific questions. The better prepared you are, the easier the review will be for both of us. I expect the review to take approximately 3.5 hours.

In addition to myself and Zana, Dan Hochstetler will be participating in the review. We look forward to meeting with you on August 26. If you have any questions, please call me or Zana at 1-800-533-3508.

I am under the understanding that our meeting will take place on August 26, at 2:30 PM at Patrick's office at 266 Maria Elena Road in Taos. Do you have a room number where we will be meeting?

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

*Board of Directors*

Roberto Vigil
President

Rachel Conn
Vice President
Program Director

Hope Buechler
Secretary/Treasurer

David Douglas

Karen Douglas

Carlos Herrera

Marsha Reddell

Taylor Streit

Brooke Tatum

*Grant Administrator*

Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco

July 29, 2003

Beverly Negri
Zana Halliday
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

RECEIVED
EPA REGION VI
03 AUG -5 AM 9:39
PROGRAMS MGMT BRANCH

Dear Beverly & Zana,

We have enclosed several sets of documents pertaining to the Rio Colorado Reclamation Committee's Technical Assistance Grant. Enclosed you should find SF 270, Request for Reimbursement, with the appropriate supporting documentation: receipts for expenses incurred by RCRC from May 1, 2003 thru July 15, 2003; invoices for services by the Technical Advisors and Grant Administrator; and monthly summary sheets (January - May 2003) for RCRC's matching contribution.

In accordance with the changes in the EPA Region 6 payment procedure, as noted in your Memo dated July 23, 2003, we have also fax the EPA's Las Vegas Financial Center the new EPA Payment Request form. You will note on SF 270 that RCRC has spent the initial $5,000 advance and is now requesting reimbursement to pay for services already received.

Our 2nd Quarterly Report for 2003, which will include activities from April 1, 2003 - June 30, 2003, is being reviewed by RCRC Board Members and will be submitted shortly.

It has been a pleasure working with both of you. Please do not hesitate to contact us if any further documentation is required or you have any questions.

Thank you again.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Molycorp molybdenum mine

P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

July 23, 2003

TO: Region 6
Technical Assistance Grant (TAG) Recipients

FROM: Beverly Negri
TAG Project Officer

SUBJECT: Automated Standard Application for Payments

On July 23, 2003, I sent you an electronic message with copies of letters sent out to all Region 6 grant recipients by Lynda Carroll, the U.S. Environmental Protection Agency (EPA) Region 6 Assistant Regional Administrator for Management. As stated, on July 7, 2003, all Region 6 grant payments will be paid by EPA's Las Vegas Financial Center (LVFC) via the new Automated Standard Application for Payments (ASAP) system. As of August 1, 2003, the Finance Office in Region 6 will no longer process any grant payment requests.

I was in error instructing you to continue to use the Standard Form 270, Request for Reimbursement, to request grant reimbursements. In the future, you must use the new U.S. EPA Payment Request form that was sent to you. As instructed in the letter, rather than sending the Payment Request form to Region 6, you must now fax a copy of the request form to Bill Pumphrey, with the LVFC, at 702-798-2423. The LVFC will continue to direct your reimbursement funds to the bank account you have on file with the Region 6 Finance Office. Do not send any of your backup documentation to Mr. Pumphrey.

You are still required to mail a hard copy of your Payment Request form, with the appropriate backup documentation to my attention. **If you request a reimbursement from the LVFC and fail to provide me with the backup documentation, I will stop payment on any future reimbursement requests until all essential backup payment documentation has been provided to me.** You will also continue to send your Quarterly TAG Reports to me along with all TAG deliverables.

Again, if you have any questions about using the ASAP system please call Mr. Pumphrey at 702-798-2493. If you have questions about sending a copy of the Payment Request form and related backup payment documentation to me, please call me at 1-800-533-3508 (toll-free).

Attachments: Letter from Ms. Carroll & U.S. EPA Payment Request Form

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (40% Postconsumer)

Attachment 1

TO ALL REGION 6 EPA FEDERAL ASSISTANCE RECIPIENTS **paid via Treasury Check or Automated Clearing House/Electronic Funds Transfer (ACH/EFT)**

Dear Recipient:

Effective August 1, 2003, the grant payment function for all EPA Region 6 grant recipients currently paid via Treasury Check or ACH/EFT will be transferred to the EPA's Las Vegas Finance Center (LVFC). Depending on how you currently request and receive your grant payments, the following changes will occur:

**1. Payment Request Forms:**

**A. If you currently use the SF 271, Outlay Report and Request for Reimbursement for Construction Programs to request funds**, this process will not change. Continue to route your reimbursement forms for approval as you do now.

**B. If you currently use the SF 270, Request for Advance or Reimbursement, or any other form to request funds,** enclosed is the new EPA Payment Request form which should be used effective August 1. All requests for payment should be faxed to Bill Pumphrey at 702-798-2423.

**2. Payment Method:**

**A. If you currently receive payments via ACH/EFT** - LVFC will continue to direct your funds to the bank account you have on file with the Region 6 Finance Office.

**B. If you are currently receiving Treasury check payments** - In accordance with the Debt Collection Improvement Act of 1996, P.L. 104-134, all federal payments must be made via Direct Deposit/EFT. Therefore, to prevent delays in receiving your grant funds, you must complete the enclosed ACH Vendor/Miscellaneous Payment Enrollment Form (SF 3881) as soon as possible and fax it to the LVFC at 702-798-2423. You may also mail the form to:

U.S. Environmental Protection Agency
Las Vegas Finance Center
P.O. Box 98515
Las Vegas, NV 89193-8515

Upon receipt and processing of the enrollment form, LVFC will send you a letter assigning you an EFT Control Number. We are also enclosing an EFT Payment Process Recipient's Manual, which provides additional procedural information and various financial forms.

If you are currently enrolled to use the Automated Standard Applications for Payment (ASAP) with another Federal Agency, or if you have any questions or concerns regarding the new payment process, please contact Bill Pumphrey at 702-798-2493 or Kechi Elliott at 702-798-2422.

Sincerely yours,

Lynda F. Carroll
Assistant Regional Administrator
for Management

Enclosures

C:LVFC letters to TAGs

# U.S. EPA PAYMENT REQUEST

| | |
|---|---|
| Recipient Name: | Contact Person: |
| Fax #: | Phone #:<br>Email address: |

| EFT # | Request # | Cash on Hand: $ | | |
|---|---|---|---|---|
| **Assistance Agreement** | **Account No/Activity Code (Superfund Site Specific)** | **$ Amount** | **Mark (X) If Credit** | **For EPA Internal Use Only** |
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| | **TOTAL AMOUNT REQUESTED $** | | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

**APPROVALS:**

Recipient Approving Official's Signature _____ Date Approved _____

EPA Certifying Officer Approval _____ Date Approved _____ $ _____

**EPA APPROVED AMOUNT**
For EPA Use Only

**Rachel Conn**
**<rachellconn@yahoo.com>**

07/30/03 04:11 PM

To: Beverly Negri/R6/USEPA/US@EPA, elgaucho@laplaza.org
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Technical Assistance Grant (TAG) Compliance Review meeting

Beverly,

The 26th at 2:30 works for me and believe that it works for Patrick as well. Please let us know what if anything we need to prepare for this meeting.

Thanks,

Rachel

--- Negri.Beverly@epamail.epa.gov wrote:
> Patrick,
>
> I will be in Espanola, NM on Tuesday, August 26 from
> 8:30 AM until 12:30
> PM completing a TAG Compliance Review with another
> TAG recipient. I
> would like to set an August 26 time with you, and
> possibly Rachell, to
> schedule a TAG Compliance Review meeting on the RCRC
> grant. As we have
> discussed, we can meet in Taos in your office. If
> you could be
> available on the afternoon of August 28 after 2:30
> PM that would allow
> us several hours to drive from Espanola to Taos. I
> anticipate that the
> review may take three (3) hours. It really depends
> on how organized and
> complete your TAG files are. Once we have finalized
> the date and time,
> I will send you a copy of the protocol documents for
> the on-site review
> so that you can ensure you are prepared. I also
> hope to make the form
> available to you electronically on August 18. Zana
> Halliday and Dan
> Hochstetler, of my Community Relations Team, will be
> in attendance with
> me.
>
> Please let me know if this schedule works for you.
> We are planning to
> hold a Molycorp community meeting on Wednesday,
> August 27, in Questa and
> I would like to have completed both TAG reviews
> before the meeting day.
>
> Beverly Negri
> Superfund Community Involvement
> Technical Assistance Grants Project Officer

> 214.665.8157 or 1-800-533-3508 (Toll Free)
> negri.beverly@epa.gov
>
>

---

Do you Yahoo!?
Yahoo! SiteBuilder - Free, easy-to-use web site design software
http://sitebuilder.yahoo.com

**Beverly Negri**

07/24/03 10:31 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Call from Mr. Patrick Nickelson re Molycorp

Mr. Nickelson is the new TAG Administrator for Molycorp. His address is:

Mr. Patrick ~~Nickelson~~ Nicholson (per his contract)
266 Maria Elena Road
Taos, NM 87571
(505) 758-8626
elgaucho@laplaza.org

Please add his info to our TAG information list.

I talked him thru completion of his SF 270. I instructed him to send the 270 to the LVFC as instructed in my 7-23 e-mail and send a copy of the SF 270 to us with the back-up documentation. I also asked him to provide us with the expense documentation for the balance of the $5,000 advance.

I have already placed a copy of this e-mail in the TAG file.

**Beverly Negri**
07/23/2003 08:12 AM

To: cbbf@baysfoundation.org, charlie@structurex.net, dks@sopris.net, hilario@nnm.cc.nm.us, mfca@hern.org, pviewsfund@arkwest.com, pweeks@harc.edu, rachellconn@yahoo.com, redhow@Taosnm.com, rjim@leadagency.org, rjim@neok.com, schaefer@swcp.com, stand@arn.net, valerio_daniel@hotmail.com
cc: Zana Halliday/R6/USEPA/US@EPA, Paul Witthoeft/R6/USEPA/US@EPA
Subject: Automated Standard Application for Payments (ASAP) Letters

MEMORANDUM

DATE: July 23, 2003

TO: Technical Assistance Grant (TAG) Recipients

FROM: Beverly Negri
TAG Project Officer

SUBJECT: Automated Standard Application for Payments

Last week you should have received copies of the attached letter (with enclosure) from Lynda Carroll, the U.S. Environmental Protection Agency (EPA) Region 6 Assistant Regional Administrator. As the letter states, on July 7, 2003, all Region 6 grant payments will be paid by EPA's Las Vegas Financial Center (LVFC) via the new Automated Standard Application for Payments (ASAP) system. The Finance Office in Region 6 will no longer process any grant payment requests as of August 1, 2003.

While you will still use the Standard Form (SF) 270, Request for Reimbursement, to request grant reimbursements, rather than sending the form to Region 6, you must now fax a copy of your SF 270 to Bill Pumphrey at 702-798-2423. The LVFC will continue to direct your reimbursement funds to the bank account you have on file with the Region 6 Finance Office. Please follow the instructions in the letter to ensure the grant reimbursement process is seamless. Do not send any of your backup documentation to Mr. Pumphrey.

You are still required to mail a hard copy of your SF 270, with the appropriate backup documentation to my attention. **If you request a reimbursement from the LVFC and fail to provide me with the backup documentation, I will stop payment on any future reimbursement requests until all essential backup payment documentation has been provided to me.** You will continue to send your Quarterly TAG Reports to me along with all TAG deliverables.

If you have any questions about using the ASAP system please call Mr. Pumphrey at 702-798-2493. If you have questions about sending a copy of the SF 270 with backup

payment documentation to me, please call me at 1-800-533-3508 (toll-free).

Attachments:
Letter from Ms. Carroll (ASAPltr.wpd)
ASAP instructions from the LVFC (paymentchange2.wpd)

paymentchange2.wpd

ASAPltr.wpd

MEMORANDUM

DATE: July 23, 2003
TO: Technical Assistance Grant (TAG) Recipients
FROM: Beverly Negri
TAG Project Officer
SUBJECT: Automated Standard Application for Payments

Last week you should have received copies of the attached letter and enclosure from Lynda Carroll, the U.S. Environmental Protection Agency (EPA) Region 6 Assistant Regional Administrator. As the letter states, on July 7, 2003, all Region 6 grant payments will be paid by EPA's Las Vegas Financial Center (LVFC) via the new Automated Standard Application for Payments (ASAP) system. The Finance Office in Region 6 will no longer process any grant payment requests as of August 1, 2003.

While you will still use the Standard Form (SF) 270, Request for Reimbursement, to request grant reimbursements, rather than sending form to Region 6, you must now fax a copy of your SF 270 to Bill Pumphrey at 702-798-2423. The LVFC will continue to direct your reimbursement funds to the bank account you have on file with the Region 6 Finance Office. Please follow the instructions in the letter to ensure the grant reimbursement process is seamless. Do not send any of your backup documentation to Mr. Pumphrey.

You are still required to mail a hard copy of your SF 270, with the appropriate backup documentation to my attention. **If you request a reimbursement from the LVFC and fail to provide me with the backup documentation, I will stop payment on any future reimbursement requests until all essential backup payment documentation has been provided to me.** You will continue to send your Quarterly TAG Reports to me along with all TAG deliverables.

If you have any questions about using the ASAP system please call Mr. Pumphrey at 702-798-2493. If you have questions about sending a copy of the SF 270 with backup payment documentation to me, please call me at 1-800-533-3508 (toll-free).

Attachments:
Letter from Ms. Carroll
ASAP instructions from the LVFC

C: ASAP Letter:7/23/03

TO ALL REGION 6 EPA FEDERAL ASSISTANCE RECIPIENTS **paid via Automated Standard Application for Payments (ASAP)**

Dear Recipient:

Effective July 7, 2003, the grant payment function for all EPA Region 6 grant recipients currently paid via ASAP will be transferred to the EPA's Las Vegas Finance Center. In an effort to provide a smooth and accurate transition, all agreements will be "closed" and unavailable in ASAP on July 2nd and 3rd; please take this into consideration when planning and processing your payment requests prior to these dates. If funds are required in an emergency situation during this period, please contact Bill Pumphrey at 702-798-2493 or Kechi Elliott at 702-798-2422.

Although the grant numbers and balances transferred will remain the same, to access your grants after July 7, you will need to use the Agency Location Code(ALC) **68128933** in lieu of 68128906 when logging into ASAP. Please keep in mind that when you are reconciling your grants, researching any payments or requesting reports for payments/transactions prior to the transfer date, you will need to access the historical grant information using the ALC 68128906.

We highly recommend you access ASAP on July 7th or as soon as possible thereafter to verify the grant information and balances under the new ALC and to ensure they agree with your records prior to requesting funds.

If you find any discrepancies or need additional assistance, please contact Bill Pumphrey at 702-798-2493 or Kechi Elliott at 702-798-2422.

Sincerely yours,

Lynda F. Carroll
Assistant Regional Administrator
for Management

EPA 6MD-RX:COULSON\X7455\6/17/2003L:Asap/Ltr

FILE TO:

| | | | | | | |
|---|---|---|---|---|---|---|
| H. BROWN 6MD-RT 5-7423 | B.DURDEN 6MD-RP 5-6510 | Wm. BRADLEY 6MD-R 5-6550 | R. MARTINEZ 6MD-A 56563 | D. REINES 6MD-I 6542 | S. SUELL 6MD 5-6500 | |
| | | | | | | |
| DATE: | DATE: | DATE: | DATE: | DATE: | DATE: | DATE: |

TO ALL REGION 6 EPA FEDERAL ASSISTANCE RECIPIENTS **paid via Treasury Check or Automated Clearing House/Electronic Funds Transfer (ACH/EFT)**

Dear Recipient:

Effective August 1, 2003, the grant payment function for all EPA Region 6 grant recipients currently paid via Treasury Check or ACH/EFT will be transferred to the EPA's Las Vegas Finance Center (LVFC). Depending on how you currently request and receive your grant payments, the following changes will occur:

**1. Payment Request Forms:**

**A. If you currently use the SF 271, Outlay Report and Request for Reimbursement for Construction Programs to request funds**, this process will not change. Continue to route your reimbursement forms for approval as you do now.

**B. If you currently use the SF 270, Request for Advance or Reimbursement, or any other form to request funds,** enclosed is the new EPA Payment Request form which should be used effective August 1. All requests for payment should be faxed to Bill Pumphrey at 702-798-2423.

**2. Payment Method:**

**A. If you currently receive payments via ACH/EFT** - LVFC will continue to direct your funds to the bank account you have on file with the Region 6 Finance Office.

**B. If you are currently receiving Treasury check payments** - In accordance with the Debt Collection Improvement Act of 1996, P.L. 104-134, all federal payments must be made via Direct Deposit/EFT. Therefore, to prevent delays in receiving your grant funds, you must complete the enclosed ACH Vendor/Miscellaneous Payment Enrollment Form (SF 3881) as soon as possible and fax it to the LVFC at 702-798-2423. You may also mail the form to:

U.S. Environmental Protection Agency
Las Vegas Finance Center
P.O. Box 98515
Las Vegas, NV 89193-8515

Upon receipt and processing of the enrollment form, LVFC will send you a letter assigning you an EFT Control Number. We are also enclosing an EFT Payment Process Recipient's Manual, which provides additional procedural information and various financial forms.

If you are currently enrolled to use the Automated Standard Applications for Payment (ASAP) with another Federal Agency, or if you have any questions or concerns regarding the new payment process, please contact Bill Pumphrey at 702-798-2493 or Kechi Elliott at 702-798-2422.

Sincerely yours,

Lynda F. Carroll
Assistant Regional Administrator
for Management

Enclosures

EPA 6MD-RT:COULSON\X7455\6/30/2003L:paymentchange2
FILE TO:

| | | | | | | |
|---|---|---|---|---|---|---|
| H. BROWN 6MD-RT 57423 | B.DURDEN 6MD-RP 5-6510 | Wm BRADLEY 6MD-R 5-6550 | R. MARTINEZ 6MD-A 5-6563- | D. REINES 6MD-I 5-6542 | S.SUELL 6MD 5-6500 | |
| | | | | | | |
| DATE: | DATE: | DATE: | DATE: | DATE: | DATE: | DATE: |

**Beverly Negri**

07/08/2003 09:29 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Mark Purcell/R6/USEPA/US, Zana Halliday/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: Compliance Review

Rachel,

My comments/answers in bold red below your questions.

Beverly

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**

06/26/2003 12:16 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Re: Compliance Review

Beverly,

It was a pleasant surprise to see you this week. We were pleased that ATSDR has agreed to retract and rewrite the health assessment with more public input. Thank you for your help with communicating our concerns to ATSDR.

The week of 8/18 works for me. How many members of the board would you like to meet with? Please let me know the date and the time so I can make sure that I am available.

**Until Mark returns from vacation and has an opportunity to talk with your TAs and the other folks, we can't confirm definite dates.**

David let me know about preparing a written response to you and Mark about the possibility of having a new advisory group form. Karen and I will get that to you as soon as possible. We are having a board meeting on July 8th and at that time we, as a board will be going over Ken's comments on the RI/FS plan that you sent to us. Due to the extensive amount of information it has taken him quite a bit of time to review the material. We have asked him to keep his comments and overview brief and simple so that the board and the community can understand them (we don't want to have to have a TA just to understand our TA's comments!). Due to the amount of information I believe that it has been a challenge for him to keep the overview and comments brief... Soon after the July 8th meeting we hope to have the final comments ready for you as a deliverable. Please let me know if you need another copy of Steve's comments on the ATSDR report that I gave you at the meeting on 6/24/03.

**We look forward to the development of the Questa Community Coalition (QCC). If possible might I get a copy of Steve's comments as a TAG deliverable?**

**Thanks!**

-Rachel

--- Negri.Beverly@epamail.epa.gov wrote:
>
> Rachel,
>
> Our voice mail system has been down for several days. Sorry you were unable to leave a message on either of our phones.

> On the morning of 6/24, Mark and I are scheduled to meet with New Mexico state officials in Santa Fe, so I can't do the review that day. Because I am on travel in New Mexico the entire week of 6/23, I can't return to Questa the
> following week on July 3 . The week of August 18, I am going to complete a Post Award Compliance Review on another Technical Assistance Grant (TAG) that we awarded at another New Mexico site. Perhaps we can schedule a meeting late that week? Please let me know if that works for your schedule.
>
> Beverly Negri
> Superfund Community Involvement
> Technical Assistance Grants Project Officer
> 214.665.8157 or 1-800-533-3508 (Toll Free)
> negri.beverly@epa.gov
>
>
> Dear Bevely and Zana,
>
> I tried to call you and leave a message but maybe it is too late and the answering machines are turned off
> at the office because there was no answer at both the 1-800 number and Bevely's direct line.
>
> I received the information about the compliance review. I am leaving tomorrow for 5 days but I am available to talk on the 24th during the morning, (from 9-1) on the 26th any time or on the second or third of July at any time. Please let me know what works best for you.
>
> Thanks,
>
> Rachel Conn
> Rio Colorado Reclamation Committee
>
>
http://sbc.yahoo.com

**Beverly Negri**

07/08/03 07:16 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Mark Purcell/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: QCC participation at Molycorp

Rachel,

I know that Mark will be pleased to follow up on the development of the Questa Community Coalition (QCC). Hopefully we can setup the first QCC meeting soon.

Mark also wants to meet with the TAs prior to the finalization of the draft revised sampling plan to get their input. He is on vacation this week and is expected to return by July 14. Once the TAs have had an opportunity to meet with Mark and he can make any required changes in the sampling plan, we will schedule a community meeting to share the information with the community.

I will also work with you to try to set up the TAG Post Award Compliance review at the same time.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**

07/03/2003 12:57 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Mark Purcell/R6/USEPA/US@EPA
Subject: QCC participation

>Dear Beverly and Mark,
>
It was good to see you last week. I am glad that you were able to participate in the ATSDR site visit.
This email is in response to your generous offer to create a Questa Community Coalition to help facilitate
participation by our TAs in the Ri/FS process- see below exert from your email sent this Spring:
>
>"Additionally, in an effort to better ensure the inclusion of the TAs in technical meetings related to
the RI/FS, Mark Purcell has contacted Molycorp, the relevant state agencies, and the state and federal
natural resource trustee agencies to discuss the development of a technical subworkgroup called the
Questa Community Coalition (QCC).The QCC would consist of one or two technical representatives from each of
the EPA, the New Mexico Environment Department and Mining and Minerals Division, Molycorp, the natural
resource trustee agencies (i.e., the New Mexico Office of Natural Resource Trustees, the U.S. Bureau of Land
Management, U.S. Fish & Wildlife Service, and the U.S. Forest Service), nonpolitical representatives from the

Village of Questa and the TAs. It must be recognized that Molycorp would only participate in a supporting role to the EPA and, under the Administrative Order on Consent with EPA, is not required to take direction from the other QCC participants on matters related to the RI/FS. The TAG group should contact Mark Purcell or me if interested in having their TA participate in the QCC."

While the QCC does not seem to include the kind of access for our TAs which we have been seeking, the Rio Colorado Reclamation Committee has decided that we would like to have our TAs participate in this new group. We hope that the QCC will serve as a vehicle to communicate our concerns and questions about the Superfund process at the Molycorp Inc. site. We also hope that the QCC will be discussing issues before decisions are made and draft documents are written so that the QCC will truly be part of the process and not merely a vehicle for the EPA and Molycorp to brief the other members on their plans and decisions.
>
>On another note we are meeting next week and hope to finalize our comments on the draft RI/FS Work Plan. We will discuss at that time if we would like to take you up on the offer to meet with our TAs to discuss the Draft Final RI/FS Work Plan. (see below exert from your email)
>
>"The EPA is planning on finalizing the additional sampling plans this summerand is available to meet with the TAs to discuss any comments or concerns they have on the draft sampling plans, or any other component of the Draft Final RI/FS Work Plan, before these documents are finalized."
>
Patrick is working on the next quarterly report and we should have that sent out in the next couple of weeks.
>
>Thank you,
>
>Rachel Conn
>Program Director
>Rio Colorado Reclamation Committee

---

Do you Yahoo!?
SBC Yahoo! DSL - Now only $29.95 per month!
http://sbc.yahoo.com

**Beverly Negri**

06/18/2003 08:53 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Zana Halliday/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US,
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Compliance Review

Rachel,

Our voice mail system has been down for several days. Sorry you were unable to leave a message on either of our phones. On the morning of 6/24, Mark and I are scheduled to meet with New Mexico state officials in Santa Fe, so I can't do the review that day. Because I am on travel in New Mexico the entire week of 6/23, I can't return to Questa the following week on July 3 . The week of August 18, I am going to complete a Post Award Compliance Review on another Technical Assistance Grant (TAG) that we has been awarded at another New Mexico site. Perhaps we can schedule a meeting late that week? Please let me know if that works for your schedule.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**

06/18/2003 12:23 AM

To: Beverly Negri/R6/USEPA/US@EPA, Beverly Negri/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Compliance Review

Dear Bevely and Zana,

I tried to call you and leave a message but maybe it is too late and the answering machines are turned off
at the office because there was no answer at both the 1-800 number and Bevely's direct line.

I received the information about the compliance review. I am leaving tomorrow for 5 days but I am
available to talk on the 24th during the morning, (from 9-1) on the 26th any time or on the second or
third of July at any time. Please let me know what works best for you.

Thanks,

Rachel Conn
Rio Colorado Reclamation Committee

---

Do you Yahoo!?
SBC Yahoo! DSL - Now only $29.95 per month!
http://sbc.yahoo.com

June 9, 2003

Rachel -

Please call either Beverly or me at 1-800-533-3588 to set up a time for a compliance review over the phone. Attached is a copy of the review. The areas highlighted will require your input & documentation that is in your files.

Thanks,
Zana

COPY

ATTACHMENT FIVE

# On-Site Review Protocol for Grants Management Offices

INTRODUCTION AND PURPOSE

Recipients of financial assistance under U.S. Environmental Protection Agency (EPA) Assistance Agreements are responsible for maintaining operations and systems to effectively manage and administer grants and cooperative agreements. This includes an adequate financial management system and effective internal control systems for all property, funds and assets related to the assistance agreement.

The purpose of this instrument is the on-site review and assessment of the recipient's general financial and administrative management systems by the EPA Grants Management Office. The intent of the activity aided by this instrument is not to substitute for a formal audit, but instead, to ensure that effective monitoring of the recipient will avoid or reduce negative audit findings, waste or abuse of federal funds.

Date(s) of Site-Visit: 6/25/03 Location: Questa, NM

Reviewer Name(s)/Title(s) Zana Halliday, TAG Assistant

**Active Awards:**

| Assistance ID# | Dates | Short Title | Project Amount Federal | Project Amount Non-Fed'l |
|---|---|---|---|---|
| 1-98671001-0 | 8/29/02 | Molycorp TAG w/RCRC | $ 50,000 | $12,500 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**$-TOTAL Reviewed**

**Inactive Awards:**

| Assistance ID# | Dates | Short Title | Project Amount Federal | Project Amount Non-Fed'l |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**$-TOTAL Reviewed**

Total Budget for the Project/Program: $62,500
Total in Federal Awards _____; EPA Awards 50,000 received by the recipient for current project(s) or program(s); Recipient Amount: 12,500

Recipient Representatives/Titles: Rachel Conn, Program Director, 719-672-0401
Rio Colorado Reclamation Committee (RCRC)

COPY

EPA 1. Explain how your application review and approval process works. What office(s) in the recipient's organization is responsible for reviewing and approving applications? Signatures on awards or amendments?

EPA 2. What office is responsible for monitoring and overseeing assistance agreements after award?

RCRC 3. Obtain organizational chart.

4. Does the current chart of the recipient organization clearly identify reporting relationships and the program's position within the organization? If No discuss to obtain an understanding of the organizational structure.

5. Does the recipient maintain recent copies of regulations, legal decisions, etc. for reference? (Discuss EPA web site.)

6. Are there policies and procedures for federal awards in written form to cover the following:

a. Time sheets
b. Redistributions (Chargebacks)
c. Payroll - Contractor and TAG Administrator
d. Overtime
e. Vacation/Sick leave
f. Compensatory time
g. Equipment (Cost Analysis)
h. ACH or ASAP drawdowns
i. Retention of records
j. Travel - for TA
k. Recipient's procurements and other awards
l. Program income
m. In-kind contributions
n. Property
o. Site-specific accounting
p. Equipment disposition

EPA 7. Is there a central file containing the official records for each assistance award?

a. Where is it found?

COPY

b. Who is responsible for this file?

EPA 8. Do the files contain the following:

a. Original application and certification

b. Work plan/statement of work

c. Award/amendment documents

d. Requests and/or approvals for scope/ budget changes

e. FSRs if applicable

f. Payment requests

g. Progress reports

h. Contracts/Subawards

i. Correspondence

Verify that the recipient maintains Assistance Agreement files that include specifics listed above.

General comments on the condition and contents of the files.

RCRC 9. Is recipient aware of the record retention requirements?

RCRC 10. Although not a requirement, has the recipient's procurement system been self-certified?

~~11. Does the recipient have sub-awards pertinent to the agreement(s)?~~

~~a. How does the recipient self-monitor and monitor sub-awards?~~

~~b. Are there written procedures (40 CFR30.44, .51, and 31.37, .40)~~

~~12. At what level does the recipient capitalize equipment?~~

~~13. Does the recipient have inventory controls?~~

~~14. Have procedures governing equipment disposition been disseminated?~~

COPY



## III. Financial Management Questionnaire

### A. Accounting

1. Do you have records that identify the source and application of funds? (ai., obligations, unobligated balances, assets, outlays, income.

2. Are accounting records maintained to record the allowable costs applicable to this Agreement?

3. Are source documents available to support data in the financial management accounting system?

4. Are these records used as a basis for payments and financial status reports submitted to EPA?

5. Are accounting records and financial statements subject to an independent audit?

   a. When was the last audit?

6. Does the organization maintain the basic books of accounts electronically or otherwise:

   a. General ledger

   b. Operating ledger

   c. Project cost ledger

   d. Cash receipts journal

   e. Cash disbursement journal

   f. Payroll journal

   g. Income journal

   h. Purchase journal

Basically try to determine from the above whether the accounting system adequately identifies receipt and disbursement for each grant and sub-award.

7. Does the accounting system provide for tracking and recording of:

COPY

a. the non-federal share

b. in-kind contributions

c. program income

8. Is there a linkage between budget cost categories and the recording of expenditures in the accounting system?

9. Does the organization have on board at least one individual with an accounting, financial management, or budget background?

10. Are there budgetary controls to preclude incurring excess expenditures (e.g., monthly reported comparison of budget to actual expenditures)?

Total funds remaining:

Total funds by budget and cost category:

Additional program income generated:

11. Are cash requirements and/or draw downs limited to immediate needs?

How often do you draw down?

Are you on ASAP?

Are you on advance or reimbursement?

General Comments:

---

RCRC **Personnel**

Personnel policies and practices of an organization help to solidify organizations and their staffs as qualified recipients. It is with this aspect in mind that we incorporate the following questions:

1. Are personnel policies established in writing or in the process of preparation which detail:

COPY

a. Qualifications for each position?

b. Duties and responsibilities of each employee's position?

c. Salary ranges?

d. Equal employment opportunities?

e. Annual performance appraisals?

f. Types and levels of fringe benefits paid to all employee categories? (Obtain a copy.)

2. Are salaries of personnel assigned to the award about the same as before the assignment?

a. Were pay increases made? How much?

3. Do personnel and/or payroll record actual hours of time attendance, leave and earnings for all employees?

4. Are time distribution records maintained to show the amount of time spent by an employee of more than one project or program?

5. Do the Time sheets cover the total payroll period?

6. Are employees' Time sheets approved? By whom (what position)?

7. For those employees whose duties require work away from the office how is it documented?

RCRC

C. Payroll - if applicable

1. Does preparation of the payroll involve more than one employee? How many and who?

2. Are the names of employees hired and terminated reported in writing to the payroll department?

3. Are salaries and wage rates authorized and approved in writing by a designated official or

COPY

supervisor?

4. Are vacation and sick leave payments similarly authorized or fixed?

5. Is there a verification against payments for vacation, sick leave, etc. in excess of amounts authorized or approved?

6. Are signed authorizations on file for all deductions made from employees' wages and salaries?

7. How are payroll checks (EFT) distributed?

8. Are payroll checks distributed to employees by someone other than the supervisor?

---

RCRC **D. Travel** for TA

1. Does the recipient's written travel policies and procedures provide or require:

   a. Allowable travel costs to be reimbursed based on actual or per diem?

   b. Firmly established mileage rates?

   c. Receipts for lodging and meals are required as appropriate?

   d. Per diem rates include reasonable dollar limitations?

   e. Subsistence, lodging, and mileage rates are comparable to Federal rates?

   f. Travel requests are approved prior to occurrence and show destination and purpose of trip?

2. Are there adequate documents to support travel? for TA

3. Do travel and Time sheets support the employees activities while he/she was on travel status?

4. Are travel policies and procedures consistently followed?

5. Judge-mentally sample and test travel transactions?

COPY

Comments:

RCRC & EPA

**E. Matching or Cost Sharing**

According to Part 31, the basic rule is that with certain qualifications and exceptions (See Part 31.24 (b), a match or cost sharing requirement may be satisfied with (1) allowable costs incurred by the recipient, subgrantee, or cost-type contractor under the award, including allowable costs borne by a non-Federal grants or other cash donations from non-Federal third parties; and (2) the value of third party in-kind contributions applicable to the period to which the cost sharing or matching requirement applies.

However Part 30 expressly prohibits EPA to require cost sharing or matching unless required by statute, regulation, Executive Order, or official Agency policy. Part 30.23 (a) through (i) provides criteria on the acceptability, purpose, and types of contributions made in relation to cost sharing or matching purposes, and the support for such.

1. What costs and contributions comprise the match under the agreement(s)? (May have to select one or two of agreements.)

2. Are these costs borne by another federal grant?
In what way?
And was it a condition approved in the assistance agreement?

3. Are the costs and contributions verifiable?

   **a.** Run test of such using a small sample.

4. Are these costs allowable?

5. Was program income used to satisfy match or cost share? If so, is there a term and condition in the award?

6. Is contractor income used to satisfy match?
If so is there a term and condition that permits this? (31.24 (b) (5))

7. Does it meet applicable standards for third party in-kind contributions; and valuation requirements? (31.24 (b) (7))

8. Does the recipient receive In-kind and third party in-kind contributions under its agreements?

COPY

a. What is the total of these contributions for each agreement?

**F. Indirect Costs**

~~1. Is the indirect cost rate claimed under the EPA Agreement negotiated with a Federal Agency?~~

~~a. Describe the process and schedule for negotiating.~~

~~2. Is there an approved cost allocation plan by EPA for indirect costs charged to more than one program?~~

~~Comments:~~

RCRC **G. Procurement Questionnaire**

**a. Contracts**

1. Were contracts awarded under the EPA Agreement in accordance with 40 CFR Parts 30 and 31? (See 30.40 - .48 and 31.36 - .37)

2. Do any of your contracts exceed the small purchase threshold?

3. Were contracts awarded under the EPA Agreement in accordance with recipient's or state's procurement procedures? (See 31.36)

4. Does the recipient use a pre-qualified lists of persons, firms or products to acquire goods and services?

5. Does the recipient have documentation to show compliance with the six affirmative steps for Minority-owned and Women-owned Business Enterprises (MBE/WBE)?

6. Has the recipient established an annual fair share objective for MBE/WBE?

7. Has recipient submitted an annual MBE/WBE report?

COPY

8. Has recipient established an affirmative procurement system for recycled materials?

Comments:

RCRC **b. Purchasing**

1. Does the organization have written purchasing procedures?

If not, comment on how purchases are handled.

2. Does the policy/procedure consider such matters as quality, cost, delivery, competition, source selection, etc.?

5. Are competitive bids obtained for items such as rentals or service agreements over specific amounts?

6. Are purchase orders or some other documentation required for purchasing all equipment and services?

7. Is control maintained over items or dollar amounts requiring the contracting or grants management officer's advance approval?

8. Is the accounting department notified promptly of purchase goods returned to vendors?

9. Are the vendor invoices checked for:

a. Prices and credit terms?

b. Extensions?

c. Errors and omissions?

d. Freight charges or disallowances?

10. Are vouchers, supporting documents, expenses, or other distributions reviewed and initialed by designated/responsible staff before payment is authorized?

COPY

RCRC **c. Consultants**

1. Do written policies or procedures address the use of consultants?

2. Do the policies/procedures provide for

   a. Circumstances under which consultants may be used?

   b. Consulting rates, per diem, etc.?

3. Are consultants required to sign consulting agreements outlining services to be rendered, duration of engagement, reporting requirements, and pay rates?

**H. Property Management Questionnaire**

1. Was equipment purchased during the approved project period?

2. Are records maintained in inventory or otherwise which provide a description of the items purchased, acquisition costs and dates, and locations?

3. Did EPA approve a usage rate for equipment used at more than one site or activity?

4. Does the recipient have in place an inventory control system (including procedures and operation) which follows State or Federal regulations?

5. Are inventories of Federal property conducted in accordance with State or Federal regulations?

Comments:

RCRC **I. Internal Controls**

COPY

1. Is there a separation of responsibility in the receipt, payment, and recording of cash?

For instance:
Are the duties of the record keeper or bookkeeper separated from any cash function?

2. Are all checks approved by an authorized official before being signed?

3. Are all accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, vendor payments)?

4. Does the organization have an internal auditor or audit staff?

5. Is there a petty cash fund where responsibility is vested in one individual; limited to a reasonable amount; restricted as to purchase; and counted, verified, and balanced by an independent employee at time of reimbursement?

6. Is there a reconciliation of receipts and expenditures to source documentations?

7. Are employees who handle funds required to be bonded against loss by reason of fraud or dishonesty?

RCRC
EPA

**J. Transaction Testing**

1. Select from the following areas to perform a judgmental sample and test.

   a. Travel
   b. Personnel/Payroll
   c. Purchases
   d. Procurement/Subaward.
   e. Property/Inventory

(As an alternative, select all or several of the areas and test on one or two items in each.)

2. If applicable, perform sample computations at least one of each below.

   a. Matching/cost share
   b. Program income.

COPY

**K. Observations**

Reviewers' observations while on-site:

March 2001

# ADMINISTRATIVE REVIEW CHECKLIST FOR APPLICATIONS

Application: Standard Form 424, 424A, & 424B (Non-Construction)

6/13/02

TO: Beverly Negri — Project Officer; 6SF-PO — Mail Code (8157); ~~7/24/01~~ — Date

If you have questions, please contact the Grant Specialist/Assistant below

Applicant: Rio Colorado Reclamation Committee

6/13/02 work copy Jana

{ ✓ } New Application { } Amendment Submission Date: 7/19/01 Rec'd 7/23/01

Grant Number: 1-986871-01-0

Statute (Act): CERCLA Section: 117(c)

Matching Share Requirements: 20 % Requirement Met? { ✓ } Yes { } No (20%)

Subject to Maintenance of Effort (MOE) under Clean Water Act or Continuing Effort Level (CEL) under Clean Air Act Requirement?

{ } Yes { ✓ } No MOE / CEL $_____ In Application is MOE/CEL Met? { } Yes { } No

Catalog of Federal Domestic Assistance (CFDA) Number: 66.806 SMALL GRANT? ✓ YES ____ NO

If yes, P. O. must address in Decision Memo

Project Description: Technical Assistance for the Molycorp Molybdenum Mine Site

501 c 4 or 3 needs to be on

**Application Pkg. { } COMPLETE**

PLEASE SUBMIT: DECISION PACKAGE

- { } Decision Memo
- { } Quality Assurance Certification
- { } Funding Order
- { } Commitment Notice

**Application Pkg. { ✓ } INCOMPLETE: PLEASE CONTACT APPLICANT**

- { } Application Form Incomplete/Inaccurate
- { ✓ } ~~Program Element~~ Sect B. Budget ~~Missing~~/Inaccurate
- { ✓ } List of Contact Personnel / Staffing List ~~Missing~~/Incomplete
- { } Breakdown of "Other" / Equipment List Missing/Incomplete
- { ✓ } Clearinghouse (Intergovernmental Review) Info Missing/Incomplete need response
- { } Ind. Cost Negotiated Agreement Missing/Expired
- { ✓ } Pre-award Compliance Review (EPA Form 4700-4) ~~Missing~~/Incomplete

{ } CERTIFICATION(S) MISSING/INCOMPLETE

- { } Debarment & Suspension
- { } Assurances
- { } Anti-Lobbying
- { ✓ } Procurement System (Superfund) Missing no longer required

CONTRACTUAL SERVICES

{ } EPA's participation for consultants is limited to an Executive Schedule Level IV/GS-18; which is approximately $60.43 per hour in 2001.

[40 CFR 30.27(b) and 31.36 (j)(1)]

The following items are missing: clearinghouse review + response; still missing EIN#; Sect B budget: incorrect; included contact list; 501(c)(4) status info; procurement system cert: NA; and 4700-4 EEO form

Darlene Coulson — Grants Management Specialist/Assistant

7455 — Telephone Number

SF-424 - APPLICATION FOR FEDERAL ASSISTANCE

* { } EVIDENCE OF INTERGOVERNMENTAL REVIEW PROCESS COMPLETED - (INDIAN TRIBES EXEMPT) missing
State Application Identifier (#3) Or date sent to State Clearinghouse (#16) AND response from SPOC need
6/6/02 due by 7/15/02

{ ✓ } Congressional District NUMBERS of Applicant's Office (#14a) and Project (#14b)

* { } Employer Identification Number (EIN) - (#6) Assigned by IRS missing still need

{ ✓ } Debt Statement - (#17) { } Yes { } No If "Yes", is required explanation attached?

{ ✓ } Estimated Funding - (#15) Applicant & Federal

{ ✓ } Signature & Date - (#18) - Signed by Applicant Official who has authority to commit Agency/Organization performance.
If Continuing Environmental Program Grant, is date prior to end of the current budget project period?

SF-424A - BUDGET INFORMATION (NON-CONSTRUCTION)

Section A NOTE: THIS SECTION IS NOT APPLICABLE FOR SMALL GRANTS

{ } Unexpended Prior Year Funds (Est. Unobligated) - Appropriation Expired? _____Yes _____No

NA { } New or Revised Budget - Federal amount plus required matching funds.

{ } Total - Should include Federal and non-Federal, both new and unexpended, if any.

*✓ Section B: { } Object Class Budget - Combined Federal and non-Federal funds. REQUIRED ON ALL GRANTS Must be completed
OK? ask Beverly Travel unallowable on Fed. funds

Sections C, D, E - NOT REQUIRED

Section F: Other Budget Information

{ } Block #22 Percentage rate and dollar amount of the base on which applicant claimed indirect costs.

SF-424B - ASSURANCES

{ ✓ } Signed by Agency/Organization Official who signed the SF-424.

REQUIRED ATTACHMENTS

{ ✓ } WORK PLAN/WORK PROGRAM [40 CFR Parts 30, 31, & 35]

{ } PROGRAM INCOME - Will it be generated?

{ } PROGRAM ELEMENT BUDGET [40CFR Sec. 30.12(b). 31.10(b)(3), 35.125, and 35.130]

* { } APPLICANT CONTACT PERSONNEL - Information on Contact Persons missing
OK

THE FOLLOWING "BOXED INFORMATION IS NEEDED FOR ALL GRANTS EXCEPT SMALL GRANTS

{ } STAFFING LIST - [A-87, A-21, and A-122]

{ } BREAKDOWN OF "OTHER" - This detail needed when "Other", (#6h) in Object Class Categories, is over $1,000. Pass-throughs to other State Agencies, Universities, etc will also be identified in this "breakdown". [A-87, A-21, and A-122]

NA { } EQUIPMENT LIST - STATE, LOCAL GOVERNMENTS, & INDIAN TRIBES - List items costing $5,000 or more each. Items costing less than $5,000 each are considered to be "supplies". If there is a large dollar amount for supplies (items under $5,000 each), applicant should also identify the general nature of these items, e.g., desks, chairs, fax machine, filters, test tubes., etc. [40 CFR Part 31.] - OTHER APPLICANTS and SUPERFUND - List items costing $5,000 or more each. [40 CFR Parts 30, 31, 35.6015 and 35.6300].

{ } COPY OF CURRENT INDIRECT COST NEGOTIATION AGREEMENT WITH COGNIZANT FEDERAL AGENCY - NOT REQUIRED IF COPY COVERING THE CURRENT BUDGET PROJECT PERIOD IS ON FILE (PREVIOUSLY SUBMITTED).

{NA} BUNDLED CERTIFICATIONS dated _____

{✓} EPA FORM 5700-49, "CERTIFICATION REGARDING SUSPENSION & DEBARMENT" - *** Must be attached to EACH application.

[40 CFR, Part 32 Subpart "C" and Subpart "D", 35.2105, 35.6560] CANNOT BUNDLE

{✓} ANTI-LOBBYING CERTIFICATION & DISCLOSURE FORM - Required with each application requesting over $100,000 in Federal funds per project. [40 CFR, Part 34]

? * { } CHECK FOR 501(c)(4) STATUS - For Non-profits and Educational Institutions Only. Missing ?

* { } EPA FORM 5700-48, "PROCUREMENT SYSTEM CERTIFICATION" - Required for Superfund; Optional for Local Government and Indian Tribes. NA [40 CFR, 30.42, 31.36, 35.925-20, 35.4066, 35.6550 thru 35.6670, 35.10035]. Missing

{ } MBE/WBE FAIR SHARE OBJECTIVES - Will applicant accept Lead State Agency Goals ____ Or negotiate their own goals ____?

✓* { } EPA FORM 4700-4, "PRE-AWARD COMPLIANCE REVIEW" - Required for all projects. Missing

REQUIRED FOR STATE REVOLVING FUND APPLICATIONS ONLY

{ } INTENDED USE PLAN (IUP) [40CFR 35.3150]

{ } STATE ATTORNEY GENERAL CERTIFICATIONS [40 CFR 35.3110].

Need SPOC

# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-004

| | | |
|---|---|---|
| 2. DATE SUBMITTED 6/6/02 | Applicant Identifier 1986871-01-0 | |
| 3. DATE RECEIVED BY STATE | State Application Identifier | |
| 4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier | |

**1. TYPE OF SUBMISSION:**

Application: ☐ Construction ☒ Non-Construction

Preapplication: ☐ Construction ☐ Non-Construction

**5. APPLICANT INFORMATION**

Legal Name: RIO COLORADO RECLAMATION COMMITTEE

Organizational Unit:

Address (give city, county, State, and zip code): Mailing: P.O. Box 637, Questa, NM 87556
Fedex: 7256 Hwy. 518, Ranchos de Taos, NM 87557

Name and telephone number of person to be contacted on matters involving this application (give area code): Rachel Conn 505-751-7009

**6. EMPLOYER IDENTIFICATION NUMBER (EIN):** NOT RECEIVED YET

**7. TYPE OF APPLICANT:** (enter appropriate letter in box) N

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) simple non-profit

**8. TYPE OF APPLICATION:**

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es)

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

**9. NAME OF FEDERAL AGENCY:**

**10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:** 66 - 806

TITLE: Technical Assistance

**11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:** Technical Assistance ~~Grant~~ at Molycorp., Inc. Questa NM site.

**12. AREAS AFFECTED BY PROJECT** (Cities, Counties, States, etc.): Taos County including Questa, and Cerro

**13. PROPOSED PROJECT**

Start Date: Ending Date:

**14. CONGRESSIONAL DISTRICTS OF:**

a. Applicant: Thomas Udall 3 (NM)

b. Project: Thomas Udall 3 (NM)

**15. ESTIMATED FUNDING:**

| | |
|---|---|
| a. Federal | $ 50,000 |
| b. Applicant | $ 12,500 |
| c. State | $ |
| d. Local | $ |
| e. Other | $ |
| f. Program Income | $ |
| g. TOTAL | $ 62,500 |

**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE 6/6/02

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**

☐ Yes If "Yes," attach an explanation. ☒ No

**18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.**

| | | |
|---|---|---|
| a. Type Name of Authorized Representative: RACHEL CONN | b. Title: PROGRAM DIRECTOR | c. Telephone Number: 505-751-7009 |
| d. Signature of Authorized Representative: Rachel Conn | | e. Date Signed: 6/1/02 |

## SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e) TOTALS |
|---|---|---|---|---|
| 8. Technical Assistance at Molycorp Inc. Questa Mine Site | $ 12,500 | $ | $ | $ 12,500 |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTAL (sum of lines 8 and 11) | $ 12,500 | $ | $ | $ 12,500 |

## SECTION D - FORECASTED CASH NEEDS

| | (Total for 1st Year) | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---|---|---|---|---|---|
| 13. Federal | $ 25,000 | $ 6,250 | $ 6,250 | $ 6,250 | $ 6,250 |
| 14. NonFederal | 6,250 | 1,562.50 | 1,562.5 | 1,562.50 | 1,562.5 |
| 15. TOTAL (sum of lines 13 and 14) | $ 31,250 | $ 7,812.50 | $ 7812.50 | $ 7,812.50 | $ 7,812.5 |

## SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | FUTURE FUNDING PERIODS (Years) | | | |
|---|---|---|---|---|
| | (b) First | (c) Second | (d) Third | (e) Fourth |
| 16. Technical Assistance Grant at Molycorp Inc Questa Mine Site | $ 25,000 | $ 25,000 | $ | $ |
| 17 | | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTALS (sum of lines 16 - 19) | 25,000 | $ 25,000 | $ | $ |

## SECTION F - OTHER BUDGET INFORMATION
(Attach additional sheets if Necessary)

21. Direct Charges: NA

22. Indirect Charges: NA

23. Remarks:

SF 424A (4-88) P
Prescribed by OMB Circular A

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# BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348

## SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. Technical Assistance Grant at Molycorp Questa Mine | 66-806 | $ | $ | $ 50,000 | $ 12,500 | $ 62,500 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. Totals | | $ | $ | $ 50,000 | $ 12,500 | $ 62,500 |

## SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | Total |
|---|---|---|---|---|---|
| | (1) Federal | (2) In-kind | (3) | (4) | (5) |
| a. Personnel | $ | $ | $ | $ | $ — |
| b. Fringe Benefits | | | | | — |
| c. Travel | 6,000 | | | | 6,000 |
| d. Equipment | | | | | — |
| e. Supplies | 1,400 | | | | 1,400 |
| f. Contractual | 42,600 | 9,850.00 | | | 52,450 |
| g. Construction | | | | | — |
| h. Other meeting space | | 2,650.00 | | | 2,650 |
| i. Total Direct Charges *(sum of 6a-6h)* | 50,000 | 12,500.00 | | | — |
| j. Indirect Charges | 0 | | | | — |
| k. TOTALS *(sum of 6i and 6j)* | $ 50,000 | $ 12,500 | $ | $ | $ 62,500 |
| 7. Program Income | $ | $ | $ | $ | $ |

# ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of the project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statues relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 795), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination of the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provision of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a-7), the Copeland Act (40 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.



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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuance to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplain in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S. C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.)

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
|---|---|
| Rachel Conn | Program Director |
| APPLICANT ORGANIZATION | DATE SUBMITTED |
| Rio Colorado Reclamation Committee | 6/4/02 |

# KEY CONTACTS

## AGENCY/ORGANIZATION DIRECTOR

*(Individual who is authorized to sign the assistance agreement application and award acceptance.)

NAME: Roberto Vigil

TITLE: President of the Board

ADDRESS: P.O. Box 333

Questa, NM 87556

TELEPHONE: 505-586-0202 EMAIL —

## PROGRAM/PROJECT DIRECTOR

(Technical program director or person responsible for the project as a contact person in Block #5 of the application.) note: The program/project director is authorized to sign assistance agreement application and award acceptance.

NAME: Rachel Conn

TITLE: Vice President / Program Director

ADDRESS: 7256 Hwy. 518

Ranchos de Taos, NM. 87557

TELEPHONE: 505-751-7009 EMAIL Rachelconn@yahoo.com

## FINANCE DIRECTOR

(Individual responsible for maintaining the accounting and financial management system supporting expenditures, preparing the financial reports, etc.)

NAME: Hope Buechler

TITLE: Treasurer

ADDRESS: P.O. Box 665,

Arroyo Seco, NM 87514

TELEPHONE: 505-776-1580 EMAIL hopenjim@laplaza.org

U. S. Environmental Protection Agency

Certification Regarding Debarment, Suspension and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, local) transaction or contract under a public transaction' violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year (3) period preceding this application/proposal had one or more public transactions (Federal, State, local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine up to $10;000 or imprisonment for up to 5 years, or both.

Rachel Conn Vice Chair / Program Director

Typed Name and Title of Authorized Representative

Rachel Conn 6/3/02

Signature of Authorized Representative Date

_____ I am unable to certify to the above statements. My explanation is attached

# CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

A. Is your organization classified as nonprofit? YES X NO ____

If Yes, what is the IRS classification? 501(c)(3)____ 501(c)(4)____ Other____

B. Does the organization engage in lobbying? YES ____ NO X

***If you answered Yes to both questions and your Agency is classified as a 501(c)(4) organization who engages in lobbying activities, your organization is ineligible for receipt of Federal funds. Please do not submit an application.***

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the enetering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influenece an officer or employee of any agency, a Member of Congress, an Officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shalll certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any persons who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Roberto Vigil — 5-16-02

Head of Agency or Organization — Date

Roberto Vigil President

Type Name & Title

Name and Address of Agency/Organization:

Rio Colorado Reclamation Committee

P.O. Box 637

Questa, NM 87556

NOTE: Use of this format is optional. You may provide this same information on your letterhead.

Approved
2090-0014
02-28-03

United States Environmental Protection Agency

EPA

Washington, DC 20460

**Preaward Compliance Review Report for**
**All Applicants Requesting Federal Financial Assistance**

ote: Read instructions before completing form.

| A. Applicant (Name, City, State) | B. Recipient (Name, City, State) | C. EPA Project No. |
|---|---|---|
| io Coloradc Reclamation Committee Questa, New Mexico | | |

I. Brief description of proposed project, program or activity. Applying for a Technical Assistance Grant (TAG) for the Molycorp molybdenum mine site east of Questa

| | |
|---|---|
| II. Are any civil rights lawsuits or complaints pending against applicant and/or recipient? If yes, list those complaints and ne disposition of each complaint. | Yes [No] |
| V. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during he two years prior to this application for activities which would receive EPA assistance? If yes, list those compliance eviews and status of each review. | Yes [No] |
| V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity? If yes, list the other Federal Agency(s), describe the ssociated work and the dollar amount of assistance. | Yes [No] |

VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.

| VII. | Population Characteristics | Number of People |
|---|---|---|
| | A. Population of Entire Service Area | 25,985 |
| | B. Minority Population of Entire Service Area | 18,917 |
| 2. | A. Population Currently Being Served | 0 |
| | B. Minority Population Currently Being Served | 0 |
| 3. | A. Population to be Served by Project, Program or Activity | 25,985 |
| | B. Minority Population to be Served by Project, Program or Activity | 18,917 |
| 4. | A. Population to Remain Without Service | 0 |
| | B. Minority Population to Remain Without Service | 0 |

VIII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons? If no, explain how a regulatory exception (40 C.F.R. §7.70) applies. [Yes] No

IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why. There is no schedule at this time because we have just formed as a group and have not made future plans beyond the TAG grant.

X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

| A. Signature of Authorized Official | B. Title of Authorized Official | C. Date |
|---|---|---|
| Rachel Conn | Program Director | 6/4/02 |

**For the U.S. Environmental Protection Agency**

| Approved Disapproved | Authorized EPA Official | Date |
|---|---|---|
| | | |

EPA Form 4700-4 (Rev. 1/90) Previous editions are obsolete.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

EPA

# PROCUREMENT SYSTEM CERTIFICATION

Form Approved
OMB No. 2000-0453
Approval expires 10-31-87

| APPLICANT'S NAME | ASSISTANCE APPLICATION NUMBER |
|---|---|
| Rio Colorado Reclamation Committee | |

APPLICANT'S ADDRESS
P.O. Box 637
Questa, NM
87556

## SECTION I — INSTRUCTIONS

The applicant must complete and submit a copy of this form with each application for EPA Assistance. If the applicant has certified its procurement system to EPA within the past 2 years and the system has not been substantially revised, complete Part A in Section II, then sign and date the form. If the system has not been certified within the past 2 years, complete Part B, then sign and date the form.

## SECTION II — CERTIFICATION

| | MONTH/YEAR |
|---|---|
| A. I affirm that the applicant has within the past 2 years certified to EPA that its procurement system complies with 40 CFR Part 33 and that the system meets the requirements in 40 CFR Part 33. The date of the applicant's latest certification is: | |

B. Based upon my evaluation of the applicant's procurement system, I, as authorized representative of the applicant: *(Check one of the following:)*

☐ 1. *CERTIFY* that the applicant's procurement system will meet all of the requirements of 40 CFR Part 33 before undertaking any procurement action with EPA assistance

Please furnish citations to applicable procurement ordinances and regulations

☒ 2. *DO NOT CERTIFY THE APPLICANT'S PROCUREMENT SYSTEM.* The applicant agrees to follow the requirements of 40 CFR Part 33, including the procedures in Appendix A, and allow EPA preaward review of proposed procurement actions that will use EPA assistance.

| TYPED NAME AND TITLE | SIGNATURE | DATE |
|---|---|---|
| Rachel Conn | Rachel Conn | 6/6/02 |

EPA Form 5700-48 (Rev. 5-84) Previous edition is obsolete.

# BYLAWS
# OF
# THE RIO COLORADO RECLAMATION COMMITTEE

## ARTICLE I
Name
Rio Colorado Reclamation Committee

## ARTICLE II
Purposes
The corporation is organized for the purpose of remediation of surface waters, groundwaters, air quality and land surfaces negatively impacted by the operation of the molybdenum mine in Questa, NM. The corporation is also committed to discovering if any action taken directly or indirectly by the molybdenum mine in Questa, NM, it's management or agents, has is or might in the future negatively impact public health or welfare. The organization will work to obtain assistance in interpreting technical information generated during the EPA RI/FS investigative process at the mine site and surrounding areas, as well as during the actual EPA superfund cleanup process at the site and is committed to respecting, protecting and restoring the cultural, economic and ecological wellbeing of the affected community.

## ARTICLE III
Offices
The Rio Colorado Reclamation Committee may establish and maintain such offices or places of business, within the State of New Mexico as the members shall, from time to time, determine are necessary or convenient to the accomplishment of the purposes of the association.

## ARTICLE IV
Board of Directors

1. The Corporation shall be governed by a Board of Directors ("Board") consisting of up to 12 members and no fewer than 3. There shall be no limit imposed upon the number of terms (one year) a director may hold. A board member may be removed from the board by a majority vote.
2. Directors will be nominated without regard to race, color, religion, age, gender, or sexual orientation. To fill a vacancy on the board, any board member may nominate a potential new member for consideration by the board of directors.
3. Regular meetings of the board shall be held no less than quarterly during the fiscal year, the time to be fixed by the Board at its first meeting of the year. A majority of the Board shall constitute a quorum. Special meetings of the Board may be called by the President or by a majority of the members of the Board.
4. The duties of the Board shall be to:
   (a) exercise general oversight on activities and expenditures;
   (b) administer the corporation in accordance with the Articles of Incorporation, these By-laws and applicable federal and state laws;
   (c) Engage qualified accountants to conduct an annual audit.
5. Directors will receive no compensation for their services, but shall be reimbursed for reasonable costs.

## ARTICLE V
Officers

1. The officers of the Corporation shall consist of a President, Vice President/Program Director and a Secretary/Treasurer

2. Officers shall be elected at the annual meeting at the beginning of the fiscal year and shall assume their duties immediately thereafter.

3. A vacancy occurring in any office shall be filled for the unexpired term by a person elected by a majority vote of the remaining members of the Board.

## ARTICLE VI
Duties of Officers

1. The President shall preside at all meetings of the Board at which she may be present; shall perform such other duties as may be prescribed by these Bylaws or assigned to her by the board.
2. The VP/Program Director shall be the key liaison between the RCRC and the EPA should the group be awarded an EPA Technical Assistance Grant. She will be responsible for the oversight of all reporting required by EPA Region 6 as well as being the Board's designated signatory for applications, award acceptances and any other documents requiring signature. The VP/Program Director shall perform such other duties as may be delegated to him/her, including acting for the President in that person's absence.
3. The Secretary/Treasurer shall record the minutes of all meetings of the Board and shall perform such other duties as may be delegated to him or her. The Secretary/Treasurer shall have responsibility for oversight and primary control of all funds of the corporation; shall keep a full and accurate account of receipts and expenditures; and shall be responsible for deposit of all receipts in an insured Bank.

## ARTICLE VIII
Amendments

These Bylaws may be amended or altered in whole or in part by a majority vote at any regular or special meeting of the Board.

The foregoing Bylaws were adopted on the 15 day of May, 2002

Roberto Diaz
President

Rachel Carr
Vice President/Program Director

Lupe Buenrostro
Secretary/Treasurer

# ARTICLES OF INCORPORATION
# OF
# THE RIO COLORADO RECLAMATION COMMITTEE, INC.

The undersigned citizens of the United States and residents and citizens of the State of New Mexico, have associated, and do hereby associated, themselves for the purpose of forming a corporation or association not for profit under the laws of the State of New Mexico.

**Article I**
Name
The corporate name of this nonprofit corporation shall be " The Rio Colorado Reclamation Committee".

**Article II**
Term
This corporation shall exist perpetually or until dissolved according to law.

**Article III**
Purpose

Section 1: The corporation is organized for the purpose of remediation of surface waters, groundwaters, air quality and land surfaces negatively impacted by the operation of the molybdenum mine in Questa, NM. The corporation is also committed to discovering if any action taken directly or indirectly by the molybdenum mine in Questa, NM, it's management or agents, has is or might in the future negatively impact public health or welfare. The organization will work to obtain assistance in interpreting technical information generated during the EPA RI/FS investigative process at the mine site and surrounding areas, as well as during the actual EPA superfund cleanup process at the site and is committed to respecting, protecting and restoring the cultural, economic and ecological wellbeing of the affected community.

Section 2: To the end that the corporation's purposes and objects may be furthered, it shall have the powers enumerated below:

A. To borrow from any source other than the potentially responsible party, money, goods or services and to pledge or mortgage any of its property as security therefore, in any manner permitted by law.

B. To buy, lease, hold and exercise all privileges of ownership in and to the real or personal property as may be necessary or convenient for the conduct and operation of the association.

C. To have and exercise all power, privileges and rights conferred on nonprofit associations or corporations by the laws of the State of New Mexico, all of which are hereby expressly claimed, including all powers which may be necessary, convenient or expedient for the accomplishment of the purposes of this association, except such powers as are inconsistent with the provisions of the Act under which this association is incorporated.

Section 3: The principal activities and business of this association will be carried on in Taos County, State of New Mexico, but its entire business and activities will not necessarily be limited to said County.

**ARTICLE IV.**

Dissolution

Dissolution of this corporation, if ever, shall be in accordance with the laws of the State of New Mexico.

**ARTICLE V.**

Registered Agent

The name of this corporation's initial registered agent is Karen Douglas whose address is 4601 Montano NW # 116, Albuquerque, NM 87120. The principal address of this corporation is PO Box 637, Questa NM 87556.

**ARTICLE VI.**

Board of Directors

Roberto Vigil, PO Box 333, Questa, NM 87556
Carlos Herrera, PO Box 204, Questa, NM 87556
Brook Tatum-Engle, PO Box 1148, Questa, NM 87556
Taylor Streit, PO Box 2759, Taos, NM 87571
Karen Douglas, 4601 Montano NW # 116, Albuquerque, NM 87120
Rachel Conn, 7256 Hwy. 518, Ranchos de Taos, NM 87557
Marshall Reddell, PO Box 986, Questa, NM 87556
Hope Buechler, PO Box 665, Arroyo Seco, NM 87514
David Douglas, 4601 Montano NW # 116, Albuquerque, NM 87120

**ARTICLE VII.**

Incorporators

Karen Douglas, 4601 Montano NW # 116, Albuquerque, NM 87120
Roberto Vigil, PO Box 333, Questa, NM 87556
Rachel Conn, 7256 Hwy. 518 Ranchos de Taos, NM 87557

Dated: 5/15/02

Kim Lossdorfer

Rachel Cirel

Rachel Carr

Signatures of Incorporators

June 5, 2002

Beverly Negri
6 SF-PO
USEPA Region 6
1445 Ross Ave.
Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri:

I am submitting a revised application for a Technical Assistance Grant (TAG) for the Molycorp molybdenum mine site east of Questa, New Mexico on behalf of the Rio Colorado Reclamation Committee (RCRC). This citizens' group has formed to gather and disseminate information on the RI/FS Superfund process that will be collecting data and evaluating remedies at the Molycorp mine over the next two years. The RCRC is seeking a TAG for $50,000 to begin work in August 2002. All application materials and a completed check list are enclosed. This application incorporates comments made by you and Mark Purcell over the past 8 months.

The Rio Colorado Reclamation Committee was formed by several concerned local citizens in the fall of 2000 to begin educating its members and the general public about environmental issues associated with the Molycorp molybdenum mine perched above the Red River 5 miles east of Questa. For many years, local residents and property owners have voiced concerns about the effects of the Molycorp mine on the environment and, in some cases, their health. Until recently little attention was paid to these concerns. In the past year, however, the State of New Mexico (Environment Department and Mining and Minerals Division), US EPA, and local groups like Amigos Bravos have made significant progress in working with Molycorp to develop a process that will collect information on a wide variety of technical subjects. This information will ultimately be used to identify areas requiring cleanup on, and possibly off, the mine.

The RCRC is prepared to accept the terms of the TAG as specified in EPA guidance documents. The Chairman and Board of Directors have agreed to abide by the financial and administrative policies of EPA, Region 6, with the understanding that the RCRC be allowed to use its own discretion in spending TAG funds to communicate complex technical information to the public.

Due to the beginning of the RI/FS process in the summer of 2002, we would appreciate the expedited processing of this application. The members of the Rio Colorado Reclamation Committee look forward to working with you and other EPA staff in the future.

Sincerely,

Program Director
Rio Colorado Reclamation Committee

# Technical Assistance Grant

***Project Narrative Statement***

**Section 1 (Group Qualifications)**

**A. Group Eligibility**

**1. Do any of the following categories apply to your group?** No:
No group members are PRPs.
The group was not established by a PRP.
The group was not/is not sustained by a PRP.
The group was not/is not sustained by
a. a corporation that is not incorporated for the specific purpose of representing affected individuals at the site;
b. an academic institution;
c. a political subdivision
No one in the group has a financial involvement in a PRP as other than an employee or contractor.

**2. How many members in your group?** 15
**Is it made up of a coalition of groups?** No
**If not, how was your group formed?** By concerned citizens who live, work, or own property in the Questa-Red River area and who are concerned that the Molycorp mine is having a deleterious effect on human and animal health, water quality, soils, and quality of life in the area adjacent to and downstream from the mine.

**B. Responsibility Requirements**

**1. Administrative and Management Capabilities: Please briefly describe the organizational structure of your group in the space below. (Describe roles and responsibilities of members, particularly members who will be responsible for financial management of the grant and directing the activities of the contractor.)**

The Rio Colorado Reclamation Committee (RCRC) consists of a Board of Directors headed by a Chairperson. Other members of the group attend meetings and may vote on matters at Board meetings. The Board will make administrative and financial decisions at meetings regarding the TAG. Once a Technical Advisor (TA) is hired under a detailed Scope of Work, the Board will oversee the work of the TA, authorize work tasks and travel, and plan future activities with the TA. The Chairperson will be the authorized signatory for all TAG activities, including the contract with the TA, monthly checks, and official correspondence with EPA, Region 6. The Vice-Chairman will act on behalf of the Chairperson in the Chairperson's absence. The Chairperson and Vice-Chairman will be elected from the Board of Directors.

**2. Resources for Project Completion: What resources are available to your group to help complete the TAG Project? (Include any plans that your group has for in-kind contributions or for fund-raising and obtaining cash.)**

The RCRC will use meeting space provided by the Questa school district at the La Cienega Elementary School. The group will use computers, printers, and fax machines provided by various Board members to conduct its routine business. The RCRC does not assess dues, but it may solicit donations to help defray some administrative costs. Contributions of time and use of equipment from Board members will be used to meet the in-kind requirement under the TAG, as will the use of the previously mentioned meeting space.

**3. Performance Record: Please describe your group's past performance with satisfactorily completing projects and contract. (If your group has no past experience, EPA will evaluate the description, budget, and schedule you provide in Section 2 of this application.)**

the group do have prior experience in grant administration and environmental projects through such groups as Concerned Citizens of Questa, Amigos Bravos, Questa Safe Environment, and the Red River Watershed Group.

***Project Narrative Statement* (continued)**

**4. Accounting and Auditing Procedures: What procedures does your group plan to use for recordkeeping and financial accountability related to the grant? Please identify the member of your group who will maintain your financial records.**

TheTreasurer of RCRC will oversee all finances. The Board of Directors of RCRC will review and approve (or disapprove) quarterly financial reports produced by a financial grant administrator. The RCRC will contract out the monthly grant financial administration to a qualified professional. The RCRC will also hire a CPA in 2004 to audit grant expenditures and provide a report to the EPA on the financial status of the TAG at closeout.

**5. Incorporation: Is your group incorporated specifically for the purpose of addressing problems at this site? (yes/no) If not, what steps is your group taking to incorporate for grant-related purposes?**

RCRC is not presently incorporated, but has applied for non-profit incorporation status with the State of New Mexico.

**6. Drug-Free Workplace Policy: Does your group promise not to engage in illegal drug-related activities while carrying out activities using TAG funds? -** Yes

**C. Group Issues and Objectives**

1. **Health Considerations: How many group members have experienced health effects from contamination at the site? Describe actual or potential health threats the site poses to individual group members and the efforts members of your group have undertaken to resolve or make known these health concerns.**

Studies are underway to determine health effects from the Molycorp mine on the local population. Several group members report concerns with water quality in the Red River and contamination in drinking water wells adjacent to the mine. Potential COCs from the mine include molybdenum, beryllium, aluminum, cadmium, manganese, iron, fluoride, lead, zinc, TDS, sulfate, and low pH water. The following contaminants have been documented as being present at unsafe levels in one or more local drinking water wells: aluminum, beryllium, cadmium, iron, manganese, fluoride, and sulfates. Many local residents report chronic stomach problems, non-alcoholic cirrhosis of the liver, respiratory problems, Alzheimer's disease, fatigue, memory loss, loss of appetite, and other symptoms that may or may not be caused by drinking contaminated water or from exposure to contaminants in the soil or air. Several group members have been diagnosed with heavy metals poisoning, for which they attribute exposure to contamination from the mine site as a contributing factor.

Some members of RCRC and the local community have been voicing concerns about the Molycorp mine for 30 years. The recent listing of the mine as an NPL site is the result of diligent efforts by local community members, the Taos-based environmental group, Amigos Bravos, and various technical consultants to Amigos Bravos (Trout Unlimited, Center for Science in Public Participation, Southwest Research Information Center, New Mexico Environmental Law Center and the Western Environmental Law Center). Individual memblers of RCRC have written articles in numerous publications, including the *Taos News*. They have also spoken at public regulatory hearings and with New Mexico Gov. Gary Johnson and contacted Senators Pete Domenici, Jeff Bingaman, and Congressman Tom Udall regarding the health concerns associated with the site.

2. ***Consolidation/Representation:* Describe the number and diversity of affected community organizations and individuals represented by your group, highlighting the ways in which your group represents individuals affected by the site.**

Association, and property owners who own land on or adjacent to the Red River downstream from the Molycorp mine.

***Project Narrative Statement* (continued)**

The group has members whose domestic water wells have been sampled and found to contain elevated levels of molybdenum, TDS, sulfate, aluminum, beryllium, cadmium, manganese, iron, and fluoride. These potentially dangerous constituents of concern are thought to have leached from the Molycorp mine dumps and tailing ponds. The RCRC has contacted members of the Cerro Neighborhood Association who have concerns about the large tailings pond south of their community. Members of the Red River Restoration Group and Questa Safe Environment will also be involved with the RCRC.

Some members of the group are fishermen who are interested in seeing the Red River to its pre-mining condition as a Blue Ribbon trout fishery. The group also represents farmers who, like generations before them, use local *acequias* to irrigate their fields. Others own businesses aimed at the tourist trade, which has been damaged by the collapse of the Red River as a prize trout fishery and by the dramatic eyesore created by the mine along Highway 38. Members with contaminated wells can no longer rent their properties to vacationers, at times a source of income for generations. Several members of the group own property in Questa or along the Red River that has been in the family for generations.

3. **Tasks for Technical Advisors: Please describe how your group intends to use your technical advisor to interpret technical Superfund information.**

The RCRC will employ a TA to attend all meetings held between EPA and Molycorp and/or its subcontractors to review documents generated during the RI/FS process. The TA will give oral progress reports at monthly meetings of the RCRC, write short memos summarizing specific topics of concern, and assist with writing a quarterly newsletter that will summarize work at the Molycorp Superfund site. The TA will also communicate in person and in writing with concerned citizens who have specific concerns and may wish to communicate privately. The TA will communicate technical information in clear, understandable language to the layperson. To this end, the TA will prepare (or use existing EPA material) a list of acronyms, units of measurement, other interpretive materials as needed, and contacts at Molycorp, state, and federal agencies for distribution to local residents and other interested citizens.

4. **Information Sharing: How does your group intend to share information collected with grant funds with the larger community?**

The RCRC plans to write and distribute a quarterly newsletter documenting work done under the RI/FS process at the Molycorp site. In addition, the group will hold regular public meetings at La Cienega Elementary School in Questa to share information with the public. Other venues for information dissemination include local newspapers in Taos and Santa Fe, the Albuquerque news media, and public radio in Taos and Alamosa, Colorado that reaches the Questa area. Members of the Red River Restoration Group and the Questa Safe Environment Group will also be involved with the RCRC. The information will also be shared with elected Village, County, and State officials.

5. **Economic/Environmental Considerations: How many group members have experienced economic/environmental impacts from contamination at the site? Please describe the actual or potential economic harm or loss of environmental amenities the site has imposed on individual group members,**

local communities. Significant numbers of tourists used to stay in Questa and fish the Red River and engage in other recreational activities. Now that the Molycorp mine has destroyed the fishery, local residents have lost potentially large revenues from tourists.

***Project Narrative Statement* (continued)**

Effects to the fishery in the Red River have been devastating, with a complete loss of a viable population of trout in the stream. Some members of the RCRC have been voicing concerns about the Molycorp mine for 30 years.

Environmental impacts from the Molycorp mine are believed to be significant. However, lack of cooperation on the part of the mine and a lack of hard data have made an accurate assessment of these impacts difficult. The mine clearly has impacts on the Red River. In addition, a large subsidence area on the mine will cause long-term site access problems, groundwater contamination, and safety concerns. The mine has a long history of air and water pollution in addition to tailing spills that have severely impacted *acequias* and arable land, thus resulting in a loss of income and added expenses to property owners. Some property owners along the Red River have had to haul in drinking water due to contaminated wells. Business opportunities and property values have been directly impacted by the environmental degradation of the community. Some group members whose wells have been contaminated have been forced to stop renting their properties, resulting in economic losses. Other members can no longer safely grow organic vegetables, another source of income. Other long-term concerns include the instability of large waste rock dumps hanging on steep slopes above the Red River and the highway.

**Section 2 -Statement of Work for the Technical Advisor**

**A. Statement of Work: Please identify the technical advisor(s)' tasks for each phase of the Superfund process. For each of these phases, please note what the technical advisor will do, the estimated amount of time needed to complete each task, and specific documents, reports, or other tangible work products you expect the technical advisor to produce.**

See attached Statement of Work (Attachment A).

**B. Detailed Budget: Prepare a budget for the technical assistance project. Indicate the tasks to be completed by the technical advisor, the estimated number of hours, and the cost for each task (including travel costs). Use footnotes to explain assumptions made in the budget (such as hourly rate of advisor or adjustments for inflation). This budget should identify everything that you expect to purchase with grant funds.**

**The budget should show the amount of the group's matching contribution separately from federal funds. Note that the grant funds (usually 80 percent) plus group contribution (usually 20 percent) must equal the total project costs; grant funds cannot exceed 80 percent of project costs for any budget period. In your statement, be sure that you differentiate cash expenditures from in-kind contributions. Also, include explanations of the assumptions made in calculating the value of in- kind contributions.**

See attached budget (Attachment B).

## Attachment A

## Statement of Work for Technical Advisor

## Rio Colorado Reclamation Committee

The following tasks have been identified for the Technical Advisor for the Rio Colorado Reclamation Committee. A narrative description of each task follows. Table A-1 summarizing these tasks and the timeframe during which they are expected to occur follows the narrative.

**Task 1:** Review, comment on, and interpret documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report.

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2002. The Technical Advisor (TA) is expected to spend from 18-20 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the RI documents and at other times the TA will spend little or no time on this task.

**Deliverables:** The TA will produce short summary reports or memos for each major document generated during the RI process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

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**Task 2:** Attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, and the public. Keep notes of meetings and summarize at RCRC meetings and in the RCRC newsletter.

**Timeframe:** Technical meetings are expected to be held for 1-3 days each month. Thus an average of 16 hours per month is being budgeted for this task over the two-year period beginning in August 2002.

**Deliverables:** The TA will provide a short written summary of each technical meeting at RCRC meetings and in the quarterly newsletter produced by RCRC.

---

**Task 3:** Review, comment on, and interpret documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2003. The Technical Advisor (TA) is expected to spend an average of 20 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the FS documents and at other times the TA will spend little or no time on this task.

**Deliverables:** The TA will produce short summary reports or memos for each major document generated during the FS process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

---

**Task 4:** Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final report and write summary for the RCRC. Give regular updates on the status of this study to the RCRC and write short updates on this activity in the RCRC newsletter.

**Timeframe:** The field studies and data collection for this report will be done during 2002-2003. The final report will be written and submitted in the spring of 2004. Consequently, this task may extend beyond the two-year period of the initial TAG. The TA is expected to spend an average of 8 hours each month reviewing and commenting on the data collection and draft reports from the USGS.

**Deliverables:** Short written summaries of the data collection and draft reports will be included in the RCRC quarterly newsletter, in addition to regular progress reports made orally to the RCRC.

---

**Task 5:** Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site.

**Timeframe:** The ROD is expected to be done in the spring of 2004. Reviews and comments on the draft and final ROD will take 30 hours.

**Deliverables:** The TA will prepare written comments on the ROD on behalf of the RCRC. The TA will also provide oral comments at the RCRC meetings in 2004 and written comments in the RCRC newsletter in the spring of 2004.

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**Task 6:** Grant Administration.

**Timeframe:** Each quarter beginning with the (projected) receipt of the TAG in the third quarter of 2002 and ending with the (projected) last quarter of the grant in the second quarter of 2004.

**Deliverables:** Quarterly reports will be submitted to the EPA, including all invoices and expenses incurred during the quarter.

**Table A-1: Tasks and Estimated Time for Work of Technical Advisor under Rio Colorado Reclamation Committee TAG.**

| Task | 3rd Qtr 2002 | 4th Qtr 2002 | 1st Qtr 2003 | 2nd Qtr 2003 | 3rd Qtr 2003 | 4th Qtr 2003 | 1st Qtr 2004 |
|---|---|---|---|---|---|---|---|
| 1: Review RI documents | 60 hrs | 60 hrs | 60 hrs | 60 hrs | | | |
| 2: Attend RI mtgs; RCRC mtgs; prepare RCRC newsletter | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS documents; prepare RCRC newsletter | | | | | 60 hrs | 60 hrs | 50 hrs |
| 4: Review docs & attend mtgs on USGS study on baseline water quality | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| 5: Review and comment on ROD | | | | | | | 30 hrs |
| 6: Grant administration | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs (+ 10 hrs audit) |
| Hourly Sub-total by quarter | 144 hours | 144 hours | 144 hours | 144 hours | 96 hours | 96 hours | 126 hours |

**Total Hours for Technical Advisor: 772 x $50/hr= $38,600**

**Total Hours for Grant Administration= 140 x $25/hr= $3,500**

**One-time CPA audit: $50/hr x 10 hrs= $500**

**Miscellaneous Expenses (Travel, lodging, per diem, newsletter printing; mailing; phone, post office box rental)= $7,400**

## Attachment B

## Budget for Rio Colorado Reclamation Committee TAG, 2002-2004.

| Task | 3rd qtr 02 | 4th qtr 02 | 1st qtr 03 | 2nd qtr 03 | 3rd qtr 03 | 4th qtr 03 | 1st qtr 04 |
|---|---|---|---|---|---|---|---|
| 1: Review RI docs | 56 hrs | 56 hrs | 56 hrs | 56 hrs | | | |
| 2: Attend RI, RCRC mtgs | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS docs | | | | | 56 hrs | 56 hrs | 50 hrs |
| 4: Review USGS work | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| 5: Review ROD | | | | | | | 30 hrs |
| 6: Grant Administration | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs |
| **Technical Advisor (TA)** | | | | | | | |
| **Sub-total, hours** | 128.00 | 128.00 | 128.00 | 128.00 | 80.00 | 80.00 | 104.00 |
| **Rate ($50) x Hours** | 6,400.00 | 6,400.00 | 6,400.00 | 6,400.00 | 4,000.00 | 4,000.00 | 5,200.00 |
| **Grant Administration (GA)** | | | | | | | |
| **Sub-total, hours** | 20.00 | 20.00 | 20.00 | 20.00 | 20.00 | 20.00 | 20.00 |
| **Rate ($25) x Hours** | 500.00 | 500.00 | 500.00 | 500.00 | 500.00 | 500.00 | 1,000.00 |
| | | | | | | | ***Audit** |
| **Travel & Expenses** | $1,100.00 | $1,000.00 | $1,100.00 | $1,000.00 | $1,100.00 | $1,000.00 | $1,100 |
| **In-Kind Contribution** | $2,100.00 | $1,700.00 | $1,700.00 | $1,700.00 | $1,700.00 | $1,700.00 | $1,700 |
| **Sub-total, by quarter** | $ 10,100.00 | $ 9,600.00 | $ 9,700.00 | $ 9,600.00 | $ 7,300.00 | $ 7,200.00 | $9,000.0 |
| **Total (Grant + In-Kind)** | **$62,500** | | | | | | |

**Note:**

1. Projected travel expenses based on rate of $0.33/mile + lodging costs + $25 per diem.

2. Other projected expenses include printing costs for newsletter; office supplies; phone; post office box rental.

3. Grant administration costs: $25/hr x 4 hrs/month + one-time CPA ***audit** costs of $500 in 2nd quarter of 2004.

4. In-Kind Contribution Assumptions:

   The larger inkind amount for the first quarter is due to anticipated donation of legal services (at $125 a hour) to draft the TA and Grant Administrators contracts.

   Meeting space/equipment donation: $150/month x 3 months/qtr= $450/quarter

   6 Board members @ $25/hr x 3 hours/month x 3 months/qtr= $1350/quarter (time donation)

March 2001

# ADMINISTRATIVE REVIEW CHECKLIST FOR APPLICATIONS

Application: Standard Form 424, 424A, & 424B (Non-Construction)

RECEIVED
EPA REGION VI
01 JUL 24 PM 1:04
PROGRAMS MGMT BRANCH

TO: Beverly Negri — Project Officer; 6SF-PO — Mail Code (8157); 7/24/01 — Date

If you have questions, please contact the Grant Specialist/Assistant below

Applicant: Rio Colorado Reclamation Committee

{ ✓ } New Application { } Amendment Submission Date: 7/19/01 Rec'd 7/23/01

Grant Number: 1-986871-01-0

Statute (Act): CERCLA Section: 117(e)

Matching Share Requirements: 20 % Requirement Met? { ✓ } Yes { } No (20%)

Subject to Maintenance of Effort (MOE) under Clean Water Act or Continuing Effort Level (CEL) under Clean Air Act Requirement?

{ } Yes { ✓ } No MOE / CEL $_____ In Application is MOE/CEL Met? { } Yes { } No

Catalog of Federal Domestic Assistance (CFDA) Number: 66.806 SMALL GRANT? ✓ YES ___ NO

If yes, P. O. must address in Decision Memo

Project Description Technical Assistance for the Molycorp Molybdenum Mine Site

**Application Pkg. { } COMPLETE**

PLEASE SUBMIT: DECISION PACKAGE

- { } Decision Memo
- { } Quality Assurance Certification
- { } Funding Order
- { } Commitment Notice

**Application Pkg. { ✓ } INCOMPLETE: PLEASE CONTACT APPLICANT**

- { } Application Form Incomplete/Inaccurate
- { ✓ } ~~Program Element~~ Sect B. Budget Missing/Inaccurate
- { ✓ } List of Contact Personnel / Staffing List Missing/Incomplete
- { } Breakdown of "Other" / Equipment List Missing/Incomplete
- { ✓ } Clearinghouse (Intergovernmental Review) Info Missing/Incomplete
- { } Ind. Cost Negotiated Agreement Missing/Expired
- { ✓ } Pre-award Compliance Review (EPA Form 4700-4) Missing/Incomplete

{ } CERTIFICATION(S) MISSING/INCOMPLETE

- { } Debarment & Suspension
- { } Assurances
- { } Anti-Lobbying
- { ✓ } Procurement System (Superfund) Missing

**CONTRACTUAL SERVICES**

{ } EPA's participation for consultants is limited to an Executive Schedule Level IV/GS-18; which is approximately $60.43 per hour in 2001.

[40 CFR 30.27(b) and 31.36 (j)(1)]

The following items are missing: clearinghouse review + response; EIN#; Sect B budget; contact list; 501(c)(4) status info; procurement system cert; and 4700-4 EEO form (Pre-award compl. review) on Lobby Form

Darlene Coulson — Grants Management Specialist/Assistant

7455 — Telephone Number

- APPLICATION FOR FEDERAL ASSISTANCE

* ( ) EVIDENCE OF INTERGOVERNMENTAL REVIEW PROCESS COMPLETED - (INDIAN TRIBES EXEMPT) missing

State Application Identifier (#3) Or date sent to State Clearinghouse (#16) AND response from SPOC

( ✓ ) Congressional District NUMBERS of Applicant's Office (#14a) and Project (#14b)

* ( ) Employer Identification Number (EIN) - (#6) Assigned by IRS missing

( ✓ ) Debt Statement - (#17) ( ) Yes ( ) No If "Yes", is required explanation attached?

( ✓ ) Estimated Funding - (#15) Applicant & Federal

( ✓ ) Signature & Date - (#18) - Signed by Applicant Official who has authority to commit Agency/Organization performance.

If Continuing Environmental Program Grant, is date prior to end of the current budget project period?

SF-424A - BUDGET INFORMATION (NON-CONSTRUCTION)

Section A NOTE: THIS SECTION IS NOT APPLICABLE FOR SMALL GRANTS

( ) Unexpended Prior Year Funds (Est. Unobligated) - Appropriation Expired? ____Yes ____No

NA ( ) New or Revised Budget - Federal amount plus required matching funds.

( ) Total - Should include Federal and non-Federal, both new and unexpended, if any.

* Section B: ( ) Object Class Budget - Combined Federal and non-Federal funds. REQUIRED ON ALL GRANTS Must be completed

Sections C, D, E - NOT REQUIRED

Section F: Other Budget Information

( ) Block #22 Percentage rate and dollar amount of the base on which applicant claimed indirect costs.

SF-424B - ASSURANCES

( ✓ ) Signed by Agency/Organization Official who signed the SF-424.

REQUIRED ATTACHMENTS

( ✓ ) WORK PLAN/WORK PROGRAM [40 CFR Parts 30, 31, & 35]

( ) PROGRAM INCOME - Will it be generated?

( ) PROGRAM ELEMENT BUDGET [40CFR Sec. 30.12(b), 31.10(b)(3), 35.125, and 35.130]

* ( ) APPLICANT CONTACT PERSONNEL - Information on Contact Persons missing

HE FOLLOWING "BOXED INFORMATION IS NEEDED FOR ALL GRANTS EXCEPT SMALL GRANTS

{ } STAFFING LIST - [A-87, A-21, and A-122]

{ } BREAKDOWN OF "OTHER" - This detail needed when "Other", (#6h) in Object Class Categories, is over $1,000. Pass-throughs to other State Agencies, Universities, etc will also be identified in this "breakdown". [A-87, A-21, and A-122]

NA { } EQUIPMENT LIST - STATE, LOCAL GOVERNMENTS, & INDIAN TRIBES - List items costing $5,000 or more each. Items costing less than $5,000 each are considered to be "supplies". If there is a large dollar amount for supplies (items under $5,000 each), applicant should also identify the general nature of these items, e.g., desks, chairs, fax machine, filters, test tubes., etc. [40 CFR Part 31.] - OTHER APPLICANTS and SUPERFUND - List items costing $5,000 or more each. [40 CFR Parts 30, 31, 35.6015 and 35.6300].

{ } COPY OF CURRENT INDIRECT COST NEGOTIATION AGREEMENT WITH COGNIZANT FEDERAL AGENCY - NOT REQUIRED IF COPY COVERING THE CURRENT BUDGET PROJECT PERIOD IS ON FILE (PREVIOUSLY SUBMITTED).

{NA} BUNDLED CERTIFICATIONS dated _____

{✓} EPA FORM 5700-49, "CERTIFICATION REGARDING SUSPENSION & DEBARMENT" - *** Must be attached to EACH application.

[40 CFR, Part 32 Subpart "C" and Subpart "D", 35.2105, 35.6560] CANNOT BUNDLE

{ } ANTI-LOBBYING CERTIFICATION & DISCLOSURE FORM - Required with each application requesting over $100,000 in Federal funds per project. [40 CFR, Part 34]

* { } CHECK FOR 501(c)(4) STATUS - For Non-profits and Educational Institutions Only. Missing

* { } EPA FORM 5700-48, "PROCUREMENT SYSTEM CERTIFICATION" - Required for Superfund; Optional for Local Government and Indian Tribes. [40 CFR, 30.42, 31.36, 35.925-20, 35.4066, 35.6550 thru 35.6670, 35.10035]. Missing

{ } MBE/WBE FAIR SHARE OBJECTIVES - Will applicant accept Lead State Agency Goals ____ Or negotiate their own goals ____?

* { } EPA FORM 4700-4, "PRE-AWARD COMPLIANCE REVIEW" - Required for all projects. Missing

REQUIRED FOR STATE REVOLVING FUND APPLICATIONS ONLY

{ } INTENDED USE PLAN (IUP) [40CFR 35.3150]

{ } STATE ATTORNEY GENERAL CERTIFICATIONS [40 CFR 35.3110].

June 5, 2002

Beverly Negri
6 SF-PO
USEPA Region 6
1445 Ross Ave.
Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri:

I am submitting a revised application for a Technical Assistance Grant (TAG) for the Molycorp molybdenum mine site east of Questa, New Mexico on behalf of the Rio Colorado Reclamation Committee (RCRC). This citizens' group has formed to gather and disseminate information on the RI/FS Superfund process that will be collecting data and evaluating remedies at the Molycorp mine over the next two years. The RCRC is seeking a TAG for $50,000 to begin work in August 2002. All application materials and a completed check list are enclosed. This application incorporates comments made by you and Mark Purcell over the past 8 months.

The Rio Colorado Reclamation Committee was formed by several concerned local citizens in the fall of 2000 to begin educating its members and the general public about environmental issues associated with the Molycorp molybdenum mine perched above the Red River 5 miles east of Questa. For many years, local residents and property owners have voiced concerns about the effects of the Molycorp mine on the environment and, in some cases, their health. Until recently little attention was paid to these concerns. In the past year, however, the State of New Mexico (Environment Department and Mining and Minerals Division), US EPA, and local groups like Amigos Bravos have made significant progress in working with Molycorp to develop a process that will collect information on a wide variety of technical subjects. This information will ultimately be used to identify areas requiring cleanup on, and possibly off, the mine.

The RCRC is prepared to accept the terms of the TAG as specified in EPA guidance documents. The Chairman and Board of Directors have agreed to abide by the financial and administrative policies of EPA, Region 6, with the understanding that the RCRC be allowed to use its own discretion in spending TAG funds to communicate complex technical information to the public.

Due to the beginning of the RI/FS process in the summer of 2002, we would appreciate the expedited processing of this application. The members of the Rio Colorado Reclamation Committee look forward to working with you and other EPA staff in the future.

Sincerely,

Rachel Carr

Program Director
Rio Colorado Reclamation Committee

if you have further questions please call me at 505-751-7009.

EPA ACKNOWLEDGEMENT FOR RECEIPT OF APPLICATION

Please complete the applicant information shown below if the applicant wishes EPA to acknowledge receipt of your application.

TO BE COMPLETED BY APPLICANT

Date of Application: 6/6/02

Project Title: Technical Assistance at Molycorp Inc, Questa NM mine site

TO BE COMPLETED BY EPA

Date Application Received: _____

U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
(6MD-RX)

(Applicant, please type name/return address)

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM, 87556

July 19, 2001

Beverly Negri
6 SF-PO
USEPA Region 6
1445 Ross Ave.
Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri:

I am submitting an application for a Technical Assistance Grant (TAG) for the Molycorp molybdenum mine site east of Questa, New Mexico on behalf of the Rio Colorado Reclamation Committee (RCRC). This citizens' group has formed to gather and disseminate information on the RI/FS Superfund process that will be collecting data and evaluating remedies at the Molycorp mine over the next two years. The RCRC is seeking a TAG for $50,000 to begin work in August 2001. All application materials and a check list are enclosed.

The Rio Colorado Reclamation Committee was formed by several concerned local citizens in the fall of 2000 to begin educating its members and the general public about environmental issues associated with the Molycorp molybdenum mine perched above the Red River 5 miles east of Questa. For many years, local residents and property owners have voiced concerns about the effects of the Molycorp mine on the environment, their own properties, and, in some cases, their health. Until recently little attention was paid to these concerns. In the past year, however, the State of New Mexico (Environment Department and Mining and Minerals Division), US EPA, and local groups like Amigos Bravos have made significant progress in working with Molycorp to develop a process that will collect information on a wide variety of technical subjects. This information will ultimately be used to identify areas requiring cleanup on, and possibly off, the mine site.

wrong

The RCRC will apply for incorporation as a nonprofit organization as soon as the TAG is awarded. The group was formed in the fall of 2000 by concerned area residents, property owners along the Red River and local business owners who wish to become involved in the Superfund process as affected parties to the mine cleanup. The goal of the RCRC (taken from its charter) is to, "Guarantee the full cleanup and restoration of the Red River, see that the Molycorp mine is reclaimed responsibly, and educate the general public on health, safety, and environmental effects of mining at the Molycorp mine site and in the Questa area."

The RCRC is prepared to accept the terms of the TAG as specified in EPA guidance documents. The Managing Director and Board of Directors have agreed to abide by the financial and administrative policies of EPA, Region 6, with the understanding that the RCRC be allowed to use its own discretion in spending TAG funds to communicate complex technical information to the public.

The members of the Rio Colorado Reclamation Committee look forward to working with you and other EPA staff in the future. I hope you are able to visit the mine and Questa soon and attend one of our meetings.

Sincerely,

Karen Ross Douglas

Karen Ross Douglas
Managing Director
Rio Colorado Reclamation Committee

# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

| | | |
|---|---|---|
| 1. TYPE OF SUBMISSION: Application: ☐ Construction, X Non-Construction; Preapplication: ☐ Construction, ☐ Non-Construction | 2. DATE SUBMITTED 7/19/01 | Applicant Identifier |
| | 3. DATE RECEIVED BY STATE | State Application Identifier |
| | 4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier |

**5. APPLICANT INFORMATION**

Legal Name: RIO COLORADO RECLAMATION COMMITTEE

Organizational Unit: NA

Address (give city, county, state, and zip code): TEMP. C/O DOUGLAS 4601 MONTANO NW, APT 116 ALBUQUERQUE, NM 87120 (ACQUIRING A PO BOX IN QUESTA, NM TAOS COUNTY)

Name and telephone number of person to be contacted on matters involving this application (give area code): KAREN DOUGLAS (505) 899-0774

6. EMPLOYER IDENTIFICATION NUMBER (EIN): NOT YET INCORPORATED

7. TYPE OF APPLICANT: (enter appropriate letter in box) N

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special Distric:
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) Nonprofit Citizen Organization

8. TYPE OF APPLICATION:

X New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es)

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

9. NAME OF FEDERAL AGENCY:
U.S. Environmental Protection Agency

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 66 - 806

TITLE Superfund Technical Assistance Grant

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
TECHNICAL ASSISTANCE AT THE MOLYCORP, INC QUESTA SITE

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):
QUESTA & CERRO N.M.
TAOS COUNTY

13. PROPOSED PROJECT

Start Date: 8/1/01
Ending Date: 3/31/03

14. CONGRESSIONAL DISTRICTS OF:
a. Applicant: 3 (NM)
b. Project: 3 (NM)

15. ESTIMATED FUNDING:

| | | |
|---|---|---|
| a. Federal | $ 50,000. | .00 |
| b. Applicant | $ 12,500. | .00 |
| c. State | $ | .00 |
| d. Local | $ | .00 |
| e. Other | $ | .00 |
| f. Program Income | $ | .00 |
| g. TOTAL | $ 62,500. | .00 |

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. X PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation. X No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

| | | |
|---|---|---|
| a. Type Name of Authorized Representative: KAREN DOUGLAS | b. Title: MANAGING DIRECTOR | c. Telephone Number: (505) 899-0774 |
| d. Signature of Authorized Representative: Karen Ross Douglas | | e. Date Signed: July 19, 2001 |

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Standard Form 424 (REV. 4-92)
Prescribed by OMB Circular A-102

OMB Approval No. 0348-0044

# BUDGET INFORMATION - Non-Construction Programs

## SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. Technical Assistance | 66-806 | $ | $ | $ | $ | $ |
| 2. Grant at: MOLYCORP, INC. | | | SEE DETAILED BUDGET IN PROJECT NARRATIVE STATEMENT | | | |
| 3. QUESTA MINE SITE | | | SECTION 2(B) | | | |
| 4. | | | | | | |
| 5. Totals | | $ | $ | $ | $ | $ |

## SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | Total |
|---|---|---|---|---|---|
| | (1) Technical Assistance | (2) | (3) | (4) | (5) |
| a. Personnel | $ | $ | $ | $ | $ |
| b. Fringe Benefits | | SEE DETAILED BUDGET IN PROJECT NARRATIVE STATEMENT, SECTION 2(B) | | | |
| c. Travel | | | | | |
| d. Equipment | | | | | |
| e. Supplies | | | | | |
| f. Contractual | | | | | |
| g. Construction | | | | | |
| h. Other | | | | | |
| i. Total Direct Charges (sum of 6a-6h) | | | | | |
| j. Indirect Charges | | | | | |
| k. TOTALS (sum of 6i and 6j) | $ | $ | $ | $ | $ |
| 7. Program Income | $ | $ | $ | $ | $ |

need to be completed on this form.

Complete

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Prescribed by OMB Circular A-102

## SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e) TOTALS |
|---|---|---|---|---|
| 8. Technical Assistance at: MOLYCORP INC. | $ SEE DETAILED BUDGET IN | $ | $ PROJECT NARRATIVE | $ |
| 9. QUESTA MINE SITE | STATEMENT, SECTION 2(B) | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTAL (sum of lines 8 – 11) | $ | $ | $ | $ |

## SECTION D - FORCASTED CASH NEEDS

| | Total for 1st Year | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---|---|---|---|---|---|
| 13. Federal | $ 31,800 | $ 8,000.00 | $ 7,900.00 | $ 8,000.00 | $ 7900.00 |
| 14. NonFederal ? Just this more than 2002 | 7,000 | 1,700.00 | 1,800.00 | 1700.00 | 1,800.00 |
| 15. TOTAL (sum of lines 13 and 14) | $ 38,000 | $ 9,700.00 | $ 9,700.00 | $ 9,700.00 | $ 9,700.00 |

## SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | FUTURE FUNDING PERIODS (Years) (b) First | (c) Second | (d) Third | (e) Fourth |
|---|---|---|---|---|
| 16. Technical Assistance Grant at: MOLYCORP, | $ SEE DETAILED BUDGET IN | $ | $ PROJECT NARRATIVE | $ |
| 17. INC. QUESTA MINE SITE | STATEMENT, SECTION 2(B) | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTAL (sum of lines 16-19) | $ | $ | $ | $ |

## SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges: NA

22. Indirect Charges: NA

23. Remarks:

OMB Approval No. 0348-0040

# ASSURANCES — NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U. S. C. §4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C. F. R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U. S. C. §1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. §794), which prohibits discrimination on the basis of handicaps: (d) the Age Discrimination Act of 1975, as amended (42 U. S. C. §6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse: (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a - 7), the Copeland Act (40 U.S.C. §§276c and 18 U. S. C. §§874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
|---|---|
| Karen Ross Douglas | MANAGING DIRECTOR |
| **APPLICANT ORGANIZATION** | **DATE SUBMITTED** |
| RIO COLORADO RECLAMATION COMMITTEE | July 19, 2001 |

# Technical Assistance Grant

*Project Narrative Statement*

**Section 1 (Group Qualifications)**

**A. Group Eligibility**

**1. Do any of the following categories apply to your group?** No.
**No group members are PRPs.**
**The group was not established by a PRP.**
**The group was not/is not sustained by a PRP.**
**The group was not/is not sustained by**
**a. a corporation that is not incorporated for the specific purpose of representing affected individuals at the site;**
**b. an academic institution;**
**c. a political subdivision**
**No one in the group has a financial involvement in a PRP as other than an employee or contractor.**

**2. How many members in your group?** 10
**Is it made up of a coalition of groups?** No
**If not, how was your group formed?** By concerned citizens who live, work, or own property in the Questa-Red River area and who are concerned that the Molycorp mine is having a deleterious effect on human and animal health, water quality, soils, and quality of life in the area adjacent to and downstream from the mine.

**B. Responsibility Requirements**

**1. Administrative and Management Capabilities: Please briefly describe the organizational structure of your group in the space below. (Describe roles and responsibilities of members, particularly members who will be responsible for financial management of the grant and directing the activities of the contractor.)**

The Rio Colorado Reclamation Committee (RCRC) consists of a Board of Directors headed by a President. Other members of the group attend meetings and may vote on matters at Board meetings. The Board will make administrative and financial decisions at monthly meetings regarding the TAG. Once a Technical Advisor (TA) is hired under a detailed Scope of Work, the Board will oversee the work of the TA, authorize work tasks and travel, and plan future activities with the TA. The President will be the authorized signatory for all TAG activities, including the contract with the TA, monthly checks, and overseeing work of the Managing Director. The Managing Director will handle all official correspondence with EPA, Region 6. The Vice-President will act on behalf of the President in the President's absence. The President and Vice-President will be elected from the Board of Directors.

**2. Resources for Project Completion: What resources are available to your group to help complete the TAG Project? (Include any plans that your group has for in-kind contributions or for fund-raising and obtaining cash.)**

The RCRC will use meeting space provided by the Questa school district at the La Cienega Elementary School. The group will use computers, printers, and fax machines provided by various Group members to conduct its routine business. The RCRC does not assess dues, but it may solicit donations to help defray some administrative costs. Contributions of time by Board members and use of equipment from Group members will be used to meet the in-kind requirement under the TAG, as will the use of the previously mentioned meeting space.

**3. Performance Record: Please describe your group's past performance with satisfactorily completing projects and contract. (If your group has no past experience, EPA will evaluate the description, budget, and schedule you provide in Section 2 of this application.)**

The RCRC has no prior experience in dealing with contracts and Superfund projects. However, individual members of the group do have prior experience in grant administration and environmental projects through such groups as Concerned Citizens of Questa, Amigos Bravos, and the Red River Watershed Group.

**4. Accounting and Auditing Procedures: What procedures does your group plan to use for recordkeeping and financial accountability related to the grant? Please identify the member of your group who will maintain your financial records.**

The Treasurer of RCRC will oversee all finances. The Board of Directors of RCRC will review and approve (or disapprove) annual financial reports produced by an accountant. The RCRC will contract out the monthly grant administration to a local member, currently Karen Douglas. The RCRC will also hire a CPA in 2002 to audit grant expenditures and provide a report to the EPA on the financial status of the TAG.

**5. Incorporation: Is your group incorporated specifically for the purpose of addressing problems at this site? (yes/no) If not, what steps is your group taking to incorporate for grant-related purposes?**

RCRC is not presently incorporated, but will as a nonprofit organization for the sole purpose of addressing problems at this site as soon as the Grant is awarded. As stated in TAG materials, we will use money from the Grant to pay for this incorporation if we cannot find a lawyer to do this work on a pro-bono basis. If this is the case, then our estimated 1st quarterly budget will need to be adjusted to include this expense. At a future time, if deemed necessary, the RCRC may be applying for 501(c)(3) status with the Internal Revenue Service. Once the application is approved, the RCRC will provide a copy of the approved application and the tax number to EPA.

**6. Drug-Free Workplace Policy: Does your group promise not to engage in illegal drug-related activities while carrying out activities using TAG funds? -(yes)**

**C. Group Issues and Objectives**

1. **Health Considerations: How many group members have experienced health effects from contamination at the site? Describe actual or potential health threats the site poses to individual group members and the efforts members of your group have undertaken to resolve or make known these health concerns.**

Studies are underway to determine health effects from the Molycorp mine on the local population. Several group members report concerns with water quality in the Red River and contamination in drinking water wells adjacent to the mine. Potential COCs from the mine include molybdenum, beryllium, aluminum, cadmium, manganese, iron, fluoride, lead, zinc, TDS, sulfate, and low pH water. The following contaminants have been documented as being present at unsafe levels in one or more local drinking water wells: aluminum, beryllium, cadmium, iron, manganese, fluoride, and sulfates. Many local residents report chronic stomach problems, non-alcoholic cirrhosis of the liver, respiratory problems, Alzheimer's disease, fatigue, memory loss, loss of appetite, and other symptoms that may or may not be caused by drinking contaminated water or from exposure to contaminants in the soil or air. Several group members have been diagnosed with heavy metals poisoning, for which they attribute exposure to contamination from the mine site as a contributing factor.

Some members of RCRC and the local community have been voicing concerns about the Molycorp mine for 30 years. The recent listing of the mine as an NPL site is the result of diligent efforts by local community members, the Taos-based environmental group, Amigos Bravos, and various technical consultants to Amigos Bravos (Trout Unlimited, Center for Science in Public Participation, Southwest Research Information Center, New Mexico Environmental Law Center and the Western Environmental Law Center). Individual memblers of RCRC have written articles in numerous publications, including the *Taos News*. They have also spoken at public regulatory hearings and with New Mexico Gov. Gary Johnson and contacted Senators Pete Domenici, Jeff Bingaman, and Congressman Tom Udall regarding the health concerns associated with the site.

2. **Consolidation/Representation: Describe the number and diversity of affected community organizations and individuals represented by your group, highlighting the ways in which your group represents individuals affected by the site.**

The Rio Colorado Reclamation Committee has members from the Questa community, Cerro Neighborhood Association, and property owners who own land on or adjacent to the Red River downstream from the Molycorp mine. The group has members whose domestic water wells have been sampled and found to contain elevated levels of molybdenum, TDS, sulfate, aluminum, beryllium, cadmium, manganese, iron, and fluoride. These potentially dangerous constituents of concern are thought to have leached from the Molycorp mine dumps. The

RCRC has contacted members of the Cerro Neighborhood Association who have concerns about the large tailings pond south of their community. Members of the Red River Restoration Group will also be involved with the RCRC. Some members of the group are fishermen who are interested in seeing the Red River to its pre-mining condition as a Blue Ribbon trout fishery. The group also represents farmers who, like generations before them, use local *acequias* to irrigate their fields. Others own businesses aimed at the tourist trade, which has been damaged by the collapse of the Red River as a prize trout fishery and by the dramatic eyesore created by the mine along Highway 38. Members with contaminated wells can no longer rent their properties to vacationers, at times a source of income for generations. Several members of the group own property in Questa or along the Red River that has been in the family for generations. The Group also has representation from the Red River Watershed Group, which is concerned with the health of the entire Red River Watershed, both above and below the Molycorp mine site.

3. **Tasks for Technical Advisors: Please describe how your group intends to use your technical advisor to interpret technical Superfund information.**

The RCRC will employ a TA to attend all meetings held between EPA and Molycorp and/or its subcontractors to review documents generated during the RI/FS process, including the Human Health and Ecological Risk Assessment. The TA will give oral reports at monthly meetings of the RCRC, write short reports summarizing specific topics of concern, and assist with writing a quarterly newsletter that will summarize work at the Molycorp Superfund site. The TA will also communicate in person and in writing with concerned citizens who have specific concerns and may wish to communicate privately. The TA will communicate technical information in clear, understandable language to the layperson. To this end, the TA will prepare (or use existing EPA material) a list of acronyms, units of measurement, other interpretive materials as needed, and contacts at Molycorp, state, and federal agencies for distribution to local residents and other interested citizens.

4. **Information Sharing: How does your group intend to share information collected with grant funds with the larger community?**

The RCRC plans to write and distribute a quarterly newsletter documenting work done under the RI/FS process at the Molycorp site. In addition, the group will hold monthly public meetings at La Cienega Elementary School in Questa to share information with the public. Other venues for information dissemination include local newspapers in Taos and Santa Fe, the Albuquerque news media, and public radio in Taos and Alamosa, Colorado that reaches the Questa area. Members of the Red River Restoration Group will also be involved with the RCRC. The information will also be shared with elected Village, County, and State officials.

5. **Economic/Environmental Considerations: How many group members have experienced economic/environmental impacts from contamination at the site? Please describe the actual or potential economic harm or loss of environmental amenities the site has imposed on individual group members, and efforts group members have undertaken to resolve or make known these concerns.**

All members of the RCRC have been impacted in some way. The loss of a Blue Ribbon trout fishery in the Red River has had severe economic impacts on Questa and other local communities. Significant numbers of tourists used to stay in Questa and fish the Red River and engage in other recreational activities. Now that the Molycorp mine has destroyed the fishery, local residents have lost potentially large revenues from tourists. Effects to the fishery in the Red River have been devastating, with a complete loss of a viable population of trout in the stream. Some members of the RCRC have been voicing concerns about the Molycorp mine for 30 years.

Environmental impacts from the Molycorp mine are believed to be significant. However, lack of cooperation on the part of the mine and a lack of hard data have made an accurate assessment of these impacts difficult. The mine clearly has impacts on the Red River. In addition, a large subsidence area on the mine will cause long-term site access problems, groundwater contamination, and safety concerns. The mine has a long history of air and water pollution in addition to tailing spills that have severely impacted *acequias* and arable land, thus resulting in a loss of income and added expenses to property owners. Some property owners along the Red River have had to haul in drinking water due to contaminated wells. Business opportunities and property values have been directly impacted by the environmental degradation of the community. Some group members whose wells have been contaminated have been forced to stop renting their properties, resulting in economic losses. Other members can no longer safely grow organic vegetables, another source of income. Other long-term concerns include the instability of large waste rock dumps hanging on steep slopes above the Red River and the highway.

**Section 2 -Statement of Work for the Technical Advisor**

**A. Statement of Work: Please identify the technical advisor(s)' tasks for each phase of the Superfund process. For each of these phases, please note what the technical advisor will do, the estimated amount of time needed to complete each task, and specific documents, reports, or other tangible work products you expect the technical advisor to produce.**

See attached Statement of Work (Attachment A).

**B. Detailed Budget: Prepare a budget for the technical assistance project. Indicate the tasks to be completed by the technical advisor, the estimated number of hours, and the cost for each task (including travel costs). Use footnotes to explain assumptions made in the budget (such as hourly rate of advisor or adjustments for inflation). This budget should identify everything that you expect to purchase with grant funds.**

**The budget should show the amount of the group's matching contribution separately from federal funds. Note that the grant funds (usually 80 percent) plus group contribution (usually 20 percent) must equal the total project costs; grant funds cannot exceed 80 percent of project costs for any budget period. In your statement, be sure that you differentiate cash expenditures from in-kind contributions. Also, include explanations of the assumptions made in calculating the value of in- kind contributions.**

See attached budget (Attachment B).

**Attachment A**

**Statement of Work for Technical Advisor**

**Rio Colorado Reclamation Committee**

The following tasks have been designed for the Technical Advisor for the Rio Colorado Reclamation Committee. A narrative description of each task follows. A table summarizing these tasks and the timeframe during which they are expected to occur follows the narrative.

**Task 1:** Review, comment on, and interpret documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Assessments; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; and Final Remedial Investigation report.

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2001. The Technical Advisor (TA) is expected to spend an average of 16 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the RI documents and at other times the TA will spend no time on this task.

**Deliverables:** The TA will produce short summary reports of each major document generated during the RI process. These summaries will be handed out at monthly RCRG meetings and will be reproduced in the RCRG newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

---

**Task 2:** Attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, and the public. Keep notes of meetings and summarize at monthly RCRC meetings and in the RCRC newsletter.

**Timeframe:** Technical meetings are expected to be held for 1-3 days each month. Thus an average of 16 hours per month is being budgeted for this task over the two-year period beginning in August 2001.

**Deliverables:** The TA will provide a short written summary of each technical meeting at monthly RCRC meetings and in the quarterly newsletter produced by RCRC.

**Task 3:** Review, comment on, and interpret documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated during the FS phase.

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2002. The Technical Advisor (TA) is expected to spend an average of 16 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the FS documents and at other times the TA will spend no time on this task.

**Deliverables:** The TA will produce short summary reports of each major document generated during the FS process. These summaries will be handed out at monthly RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

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**Task 4:** Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final report and write summary for the RCRC. Give monthly updates on the status of this study to the RCRC and write short updates on this activity in the RCRC newsletter.

**Timeframe:** The field studies and data collection for this report will be done during 2001-2002. The final report will be written and submitted in the spring of 2003. Consequently, this task may extend beyond the two-year period of the initial TAG. The TA is expected to spend an average of 10 hours each month reviewing and commenting on the data collection and draft reports from the USGS.

**Deliverables:** Short written summaries of the data collection and draft reports will be included in the RCRC quarterly newsletter, in addition to monthly progress reports made orally to the RCRC.

---

**Task 5:** Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site.

**Timeframe:** The ROD is expected to be done in the spring of 2003. Reviews and comments on the draft and final ROD will take 18 hours.

**Deliverables:** The TA will prepare written comments on the ROD on behalf of the RCRC. The TA will also provide oral comments at the monthly RCRC meetings in 2003 and written comments in the RCRC newsletter in the spring of 2003.

**Table A-1: Tasks and Estimated Time for Work of Technical Advisor under Rio Colorado Reclamation Committee TAG.**

| Task | 3rd Qtr 2001 | 4th Qtr 2001 | 1st Qtr 2002 | 2nd Qtr 2002 | 3rd Qtr 2002 | 4th Qtr 2002 | 1st Qtr 2003 |
|---|---|---|---|---|---|---|---|
| 1: Review RI documents | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 2: Attend RI mtgs; RCRC mtgs; prepare RCRC newsletter | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS documents; prepare RCRC newsletter | | | | | 48 hrs | 48 hrs | 48 hrs |
| 4: Review docs & attend mtgs on USGS study on baseline water quality | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs |
| 5: Review and comment on ROD | | | | | | | 30 hrs |
| 6: Grant administration* | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| Hourly Sub-total by quarter | 138 hours | 138 hours | 138 hours | 138 hours | 90 hours | 90 hours | 120 hours |

**Total Hours for Technical Advisor: 800 x $50/hr= $40,000**

**Total Hours for Grant Administration= 168 x $25/hr= $4,200**

**Miscellaneous Expenses (Newsletter printing; mailing; phone, travel)= $5,800**

*** Grant Administrator will include everything from placing ads for TAs, advertising group meetings to keeping financial, phone and in-kind logs for the Board.**

## Attachment B

## Budget for Rio Colorado Reclamation Committee TAG, 2001-2003.

| Task | 3rd qtr 01 | 4th qtr 01 | 1st qtr 02 | 2nd qtr 02 | 3rd qtr 03 | 4th qtr 02 | 1st qtr 03 |
|---|---|---|---|---|---|---|---|
| 1: Review RI docs | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 2: Attend RI, RCRC mtg | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS docs | | | | | 48 hrs | 48 hrs | 48 hrs |
| 4: Review USGS work | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs |
| 5: Review ROD | | | | | | | 30 hrs |
| **Sub-total, hours** | 126 hrs | 126 hrs | 126 hrs | 126 hrs | 78 hrs | 78 hrs | 108 hrs |
| **Rate ($50) x Hours** | $6,300 | $6,300 | $6,300 | $6,300 | $3,900 | $3,900 | $5,400 |
| **Grant Administration** | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| **Rate ($25) x Hours** | $600 | $600 | $600 | $600 | $600 | $600 | $600 |
| **Travel & Expenses** | $1,100 | $1,000 | $1,100 | $1,000 | $1,100 | $1,000 | $1,100 |
| **In-Kind Contribution** | $1,700 | $1,800 | $1,700 | $1,800 | $1,800 | $1,800 | $1,700 |
| **Sub-total, by quarter** | $9,700 | $9,700 | $9,700 | $9,700 | $7,500 | $7,400 | $8,800 |
| **Total (Grant + In-Kind)** | **$62,500** | | | | | | |

**Note:**

1. Travel expenses based on rate of $0.33/mile + lodging costs + $25 per diem.
2. Other expenses include printing costs for newsletter; office supplies; phone.
3. Grant administration costs: $50/hr x 4 hrs/month + one-time audit costs.
4. In-Kind Contribution Assumptions:

   Meeting space/equipment donation= $150/month x 3 months/qtr= $450/quarter

   3 Board members @ $25/hr x 6 hours/month x 3months/qtr= $1350/quarter (time donation)

EPA

EPA Project Control Number

United States Environmental Protection Agency
Washington, DC 20460

# Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to $10,000 or imprisonment for up to 5 years, or both.

KAREN ROSS DOUGLAS, MANAGING DIRECTOR
Typed Name & Title of Authorized Representative

Karen Ross Douglas
Signature of Authorized Representative

July 19, 2001
Date

☐ I am unable to certify to the above statements. My explanation is attached.

EPA Form 5700-49 (11-88)

Assistance Identification Number: _____

# CERTIFICATION — DRUG FREE WORKPLACE ACT OF 1988

The recipient certifies that it will provide a drug-free workplace by:

(a) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) establishing a drug-free awareness program to inform employees about:
   (1) the dangers of drug abuse in the workplace;
   (2) the recipient's policy of maintaining a drug-free workplace;
   (3) any available drug counseling, rehabilitation, and employee assistance programs; and
   (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) making it a requirement that each employee engaged in the performance of the project be given a copy of the statement required by paragraph (a);

(d) notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will:
   (1) abide by the terms of the statement; and
   (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such convictions;

(e) notifying the Award Official within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;

(f) taking one of the following actions, with 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
   (1) taking appropriate personnel action against such an employee, up to and including termination; or
   (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

**The recipient shall insert in the space provided below the site(s) for performance of work done in connection with the specific award**

**Place of performance** (street address, city, county, state, zip code)

Rio Colorado Reclamation Committee, Douglas Casino, Mile #5 St. Rd 38, Taos County, N.M. and
La Cienega Elementary School
State Rd 38
Questa, New Mexico 87556
Taos County

Karen Ross Douglas
Typed Name and Title of Authorized Representative

Karen Ross Douglas — July 19, 2001
Signature of Authorized Representative — Date

EPA Project Control Number

## CERTIFICATION REGARDING LOBBYING

## CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award of documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

KAREN ROSS DOUGLAS, MANAGING DIRECTOR
Typed Name and Title of Authorized Representative

Karen Ross Douglas
Signature of Authorized Representative

July 19, 2001
Date

# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

2. DATE SUBMITTED: 7/19/01

Applicant Identifier:

1. TYPE OF SUBMISSION:

| Application | Preapplication |
|---|---|
| ☐ Construction | ☐ Construction |
| ☒ Non-Construction | ☐ Non-Construction |

3. DATE RECEIVED BY STATE:

State Application Identifier:

4. DATE RECEIVED BY FEDERAL AGENCY:

Federal Identifier:

5. APPLICANT INFORMATION

Legal Name: RIO COLORADO RECLAMATION COMMITTEE

Organizational Unit: NA

Address (give city, county, state, and zip code): TEMP. C/O DOUGLAS 4601 MONTANO NW APT 116 ALBUQUERQUE, NM 87120 (ACQUIRING A POBOX IN QUESTA, NM TAOS COUNTY)

Name and telephone number of person to be contacted on matters involving this application (give area code): KAREN DOUGLAS (505) 899-0774

6. EMPLOYER IDENTIFICATION NUMBER (EIN): NOT YET INCORPORATED

7. TYPE OF APPLICANT: (enter appropriate letter in box) N

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) Nonprofit Citizen Organization

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es)

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

9. NAME OF FEDERAL AGENCY: U.S. Environmental Protection Agency

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 66 - 806

TITLE: Superfund Technical Assistance Grant

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: TECHNICAL ASSISTANCE AT THE MOLYCORP, INC QUESTA SITE

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): QUESTA & CERRO N.M. TAOS COUNTY

13. PROPOSED PROJECT

Start Date: 8/1/01

Ending Date: 3/31/03

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant: 3 (NM)

b. Project: 3 (NM)

15. ESTIMATED FUNDING:

| | | |
|---|---|---|
| a. Federal | $ 50,000. | .00 |
| b. Applicant | $ 12,500. | .00 |
| c. State | $ | .00 |
| d. Local | $ | .00 |
| e. Other | $ | .00 |
| f. Program Income | $ | .00 |
| g. TOTAL | $ 62,500. | .00 |

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☒ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☒ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

| a. Type Name of Authorized Representative | b. Title | c. Telephone Number |
|---|---|---|
| KAREN DOUGLAS | MANAGING DIRECTOR | (505) 899-0774 |

| d. Signature of Authorized Representative | e. Date Signed |
|---|---|
| Karen Ross Douglas | July 19, 2001 |

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Taos News

Marc

OMB Approval No. 0348-0044

# BUDGET INFORMATION - Non-Construction Programs

## SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1 Technical Assistance | 66-806 | $ | $ | $ | $ | $ |
| 2 Grant at: MOLYCORP, INC. | | | SEE DETAILED BUDGET IN PROJECT NARRATIVE STATEMENT | | | |
| 3. QUESTA MINE SITE | | | SECTION 2(B) | | | |
| 4. | | | | | | |
| 5. Totals | | $ | $ | $ | $ | $ |

## SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY (1) Technical Assistance | (2) | (3) | (4) | Total (5) |
|---|---|---|---|---|---|
| a. Personnel | $ 4,200 | $ SEE DETAILED BUDGET IN PROJECT NARRATIVE STATEMENT, | $ | $ | $ |
| b. Fringe Benefits | 0 | SECTION 2(B) | | | |
| c. Travel | | | | | |
| d. Equipment | | | | | |
| e. Supplies | | | | | |
| f. Contractual | 40,000 | | | | |
| g. Construction | 0 | | | | |
| h. Other | | inc costs + phone | | | |
| i. Total Direct Charges (sum of 6a-6h) | | | | | |
| j. Indirect Charges | 0 | | | | |
| k. TOTALS (sum of 6i and 6j) | $ | $ | $ | $ | $ |
| 7. Program Income | $ 0 | $ | $ | $ | $ |

travel
TA costs

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- inkind -

## SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e) TOTALS |
|---|---|---|---|---|
| 8. Technical Assistance at: MOLYCORP, INC. | $ SEE DETAILED BUDGET IN | $ | $ PROJECT NARRATIVE | $ |
| 9. QUESTA MINE SITE | STATEMENT, SECTION 2(B) | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTAL (sum of lines 8 – 11) | $ | $ | $ | $ |

## SECTION D - FORCASTED CASH NEEDS

| | Total for 1st Year | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---|---|---|---|---|---|
| 13. Federal | $ 31,800 | $ 8,000.00 | $ 7,900.00 | $ 8,000.00 | $ 7900.00 |
| 14. NonFederal | 7,000 | 1,700.00 | 1,800.00 | 1700.00 | 1,800.00 |
| 15. TOTAL (sum of lines 13 and 14) | $ 38,000 | $ 9,700.00 | $ 9,700.00 | $ 9,700.00 | $ 9,700.00 |

## SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | FUTURE FUNDING PERIODS (Years) (b) First | (c) Second | (d) Third | (e) Fourth |
|---|---|---|---|---|
| 16. Technical Assistance Grant at: MOLYCORP, | $ SEE DETAILED BUDGET IN | $ | $ PROJECT NARRATIVE | $ |
| 17. INC. QUESTA MINE SITE | STATEMENT, SECTION 2(B) | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTAL (sum of lines 16-19) | $ | $ | $ | $ |

## SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges: NA

22. Indirect Charges: NA

23. Remarks:

OMB Approval No. 0348-0040

# ASSURANCES — NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U. S. C. §4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C. F. R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U. S. C. §1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S. C. §6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a - 7), the Copeland Act (40 U.S.C. §§276c and 18 U. S. C. §§874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
|---|---|
| Karen Ross Douglas | MANAGING DIRECTOR |
| **APPLICANT ORGANIZATION** | **DATE SUBMITTED** |
| RIO COLORADO RECLAMATION COMMITTEE | July 19, 2001 |

EPA

EPA Project Control Number

United States Environmental Protection Agency
Washington, DC 20460

# Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to $10,000 or imprisonment for up to 5 years, or both.

KAREN ROSS DOUGLAS, MANAGING DIRECTOR

Typed Name & Title of Authorized Representative

Karen Ross Douglas

Signature of Authorized Representative

July 19, 2001

Date

☐ I am unable to certify to the above statements. My explanation is attached.

EPA Form 5700-49 (11-88)

Assistance Identification Number: _____

# CERTIFICATION — DRUG FREE WORKPLACE ACT OF 1988

The recipient certifies that it will provide a drug-free workplace by:

(a) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) establishing a drug-free awareness program to inform employees about:
   (1) the dangers of drug abuse in the workplace;
   (2) the recipient's policy of maintaining a drug-free workplace;
   (3) any available drug counseling, rehabilitation, and employee assistance programs; and
   (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) making it a requirement that each employee engaged in the performance of the project be given a copy of the statement required by paragraph (a);

(d) notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will:
   (1) abide by the terms of the statement; and
   (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such convictions;

(e) notifying the Award Official within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;

(f) taking one of the following actions, with 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
   (1) taking appropriate personnel action against such an employee, up to and including termination; or
   (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

**The recipient shall insert in the space provided below the site(s) for performance of work done in connection with the specific award**

**Place of performance** (street address, city, county, state, zip code)

Rio Colorado Reclamation Committee, Douglas Cabins, Mile #5 St. Rd 38, Taos County, N.M. and
La Cienega Elementary School
State Rd 38
Questa, New Mexico 87556
Taos County

Karen Ross Douglas
Typed Name and Title of Authorized Representative

Karen Ross Douglas July 19, 2001
Signature of Authorized Representative Date

EPA Project Control Number

## CERTIFICATION REGARDING LOBBYING

## CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award of documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

KAREN ROSS DOUGLAS, MANAGING DIRECTOR

Typed Name and Title of Authorized Representative

Karen Ross Douglas

Signature of Authorized Representative

July 19, 2001

Date

# Technical Assistance Grant

*Project Narrative Statement*

**Section 1 (Group Qualifications)**

**A. Group Eligibility**

**1. Do any of the following categories apply to your group?** No.
**No group members are PRPs.**
**The group was not established by a PRP.**
**The group was not/is not sustained by a PRP.**
**The group was not/is not sustained by**
**a. a corporation that is not incorporated for the specific purpose of representing affected individuals at the site;**
**b. an academic institution;**
**c. a political subdivision**
**No one in the group has a financial involvement in a PRP as other than an employee or contractor.**

**2. How many members in your group?** 10
**Is it made up of a coalition of groups?** No
**If not, how was your group formed?** By concerned citizens who live, work, or own property in the Questa-Red River area and who are concerned that the Molycorp mine is having a deleterious effect on human and animal health, water quality, soils, and quality of life in the area adjacent to and downstream from the mine.

**B. Responsibility Requirements**

**1. Administrative and Management Capabilities: Please briefly describe the organizational structure of your group in the space below. (Describe roles and responsibilities of members, particularly members who will be responsible for financial management of the grant and directing the activities of the contractor.)**

The Rio Colorado Reclamation Committee (RCRC) consists of a Board of Directors headed by a President. Other members of the group attend meetings and may vote on matters at Board meetings. The Board will make administrative and financial decisions at monthly meetings regarding the TAG. Once a Technical Advisor (TA) is hired under a detailed Scope of Work, the Board will oversee the work of the TA, authorize work tasks and travel, and plan future activities with the TA. The President will be the authorized signatory for all TAG activities, including the contract with the TA, monthly checks, and overseeing work of the Managing Director. The Managing Director will handle all official correspondence with EPA, Region 6. The Vice-President will act on behalf of the President in the President's absence. The President and Vice-President will be elected from the Board of Directors.

**2. Resources for Project Completion: What resources are available to your group to help complete the TAG Project? (Include any plans that your group has for in-kind contributions or for fund-raising and obtaining cash.)**

The RCRC will use meeting space provided by the Questa school district at the La Cienega Elementary School. The group will use computers, printers, and fax machines provided by various Group members to conduct its routine business. The RCRC does not assess dues, but it may solicit donations to help defray some administrative costs. Contributions of time by Board members and use of equipment from Group members will be used to meet the in-kind requirement under the TAG, as will the use of the previously mentioned meeting space.

**3. Performance Record: Please describe your group's past performance with satisfactorily completing projects and contract. (If your group has no past experience, EPA will evaluate the description, budget, and schedule you provide in Section 2 of this application.)**

The RCRC has no prior experience in dealing with contracts and Superfund projects. However, individual members of the group do have prior experience in grant administration and environmental projects through such groups as Concerned Citizens of Questa, Amigos Bravos, and the Red River Watershed Group.

**4. Accounting and Auditing Procedures: What procedures does your group plan to use for recordkeeping and financial accountability related to the grant? Please identify the member of your group who will maintain your financial records.**

The Treasurer of RCRC will oversee all finances. The Board of Directors of RCRC will review and approve (or disapprove) annual financial reports produced by an accountant. The RCRC will contract out the monthly grant administration to a local member, currently Karen Douglas. The RCRC will also hire a CPA in 2002 to audit grant expenditures and provide a report to the EPA on the financial status of the TAG.

**5. Incorporation: Is your group incorporated specifically for the purpose of addressing problems at this site? (yes/no) If not, what steps is your group taking to incorporate for grant-related purposes?**

RCRC is not presently incorporated, but will as a nonprofit organization for the sole purpose of addressing problems at this site as soon as the Grant is awarded. As stated in TAG materials, we will use money from the Grant to pay for this incorporation if we cannot find a lawyer to do this work on a pro-bono basis. If this is the case, then our estimated 1st quarterly budget will need to be adjusted to include this expense. At a future time, if deemed necessary, the RCRC may be applying for 501(c)(3) status with the Internal Revenue Service. Once the application is approved, the RCRC will provide a copy of the approved application and the tax number to EPA.

**6. Drug-Free Workplace Policy: Does your group promise not to engage in illegal drug-related activities while carrying out activities using TAG funds? -(yes)**

**C. Group Issues and Objectives**

1. **Health Considerations: How many group members have experienced health effects from contamination at the site? Describe actual or potential health threats the site poses to individual group members and the efforts members of your group have undertaken to resolve or make known these health concerns.**

Studies are underway to determine health effects from the Molycorp mine on the local population. Several group members report concerns with water quality in the Red River and contamination in drinking water wells adjacent to the mine. Potential COCs from the mine include molybdenum, beryllium, aluminum, cadmium, manganese, iron, fluoride, lead, zinc, TDS, sulfate, and low pH water. The following contaminants have been documented as being present at unsafe levels in one or more local drinking water wells: aluminum, beryllium, cadmium, iron, manganese, fluoride, and sulfates. Many local residents report chronic stomach problems, non-alcoholic cirrhosis of the liver, respiratory problems, Alzheimer's disease, fatigue, memory loss, loss of appetite, and other symptoms that may or may not be caused by drinking contaminated water or from exposure to contaminants in the soil or air. Several group members have been diagnosed with heavy metals poisoning, for which they attribute exposure to contamination from the mine site as a contributing factor.

Some members of RCRC and the local community have been voicing concerns about the Molycorp mine for 30 years. The recent listing of the mine as an NPL site is the result of diligent efforts by local community members, the Taos-based environmental group, Amigos Bravos, and various technical consultants to Amigos Bravos (Trout Unlimited, Center for Science in Public Participation, Southwest Research Information Center, New Mexico Environmental Law Center and the Western Environmental Law Center). Individual memblers of RCRC have written articles in numerous publications, including the *Taos News*. They have also spoken at public regulatory hearings and with New Mexico Gov. Gary Johnson and contacted Senators Pete Domenici, Jeff Bingaman, and Congressman Tom Udall regarding the health concerns associated with the site.

2. **Consolidation/Representation: Describe the number and diversity of affected community organizations and individuals represented by your group, highlighting the ways in which your group represents individuals affected by the site.**

The Rio Colorado Reclamation Committee has members from the Questa community, Cerro Neighborhood Association, and property owners who own land on or adjacent to the Red River downstream from the Molycorp mine. The group has members whose domestic water wells have been sampled and found to contain elevated levels of molybdenum, TDS, sulfate, aluminum, beryllium, cadmium, manganese, iron, and fluoride. These potentially dangerous constituents of concern are thought to have leached from the Molycorp mine dumps. The

RCRC has contacted members of the Cerro Neighborhood Association who have concerns about the large tailings pond south of their community. Members of the Red River Restoration Group will also be involved with the RCRC. Some members of the group are fishermen who are interested in seeing the Red River to its pre-mining condition as a Blue Ribbon trout fishery. The group also represents farmers who, like generations before them, use local *acequias* to irrigate their fields. Others own businesses aimed at the tourist trade, which has been damaged by the collapse of the Red River as a prize trout fishery and by the dramatic eyesore created by the mine along Highway 38. Members with contaminated wells can no longer rent their properties to vacationers, at times a source of income for generations. Several members of the group own property in Questa or along the Red River that has been in the family for generations. The Group also has representation from the Red River Watershed Group, which is concerned with the health of the entire Red River Watershed, both above and below the Molycorp mine site.

3. **Tasks for Technical Advisors: Please describe how your group intends to use your technical advisor to interpret technical Superfund information.**

The RCRC will employ a TA to attend all meetings held between EPA and Molycorp and/or its subcontractors to review documents generated during the RI/FS process, including the Human Health and Ecological Risk Assessment. The TA will give oral reports at monthly meetings of the RCRC, write short reports summarizing specific topics of concern, and assist with writing a quarterly newsletter that will summarize work at the Molycorp Superfund site. The TA will also communicate in person and in writing with concerned citizens who have specific concerns and may wish to communicate privately. The TA will communicate technical information in clear, understandable language to the layperson. To this end, the TA will prepare (or use existing EPA material) a list of acronyms, units of measurement, other interpretive materials as needed, and contacts at Molycorp, state, and federal agencies for distribution to local residents and other interested citizens.

4. **Information Sharing: How does your group intend to share information collected with grant funds with the larger community?**

The RCRC plans to write and distribute a quarterly newsletter documenting work done under the RI/FS process at the Molycorp site. In addition, the group will hold monthly public meetings at La Cienega Elementary School in Questa to share information with the public. Other venues for information dissemination include local newspapers in Taos and Santa Fe, the Albuquerque news media, and public radio in Taos and Alamosa, Colorado that reaches the Questa area. Members of the Red River Restoration Group will also be involved with the RCRC. The information will also be shared with elected Village, County, and State officials.

5. **Economic/Environmental Considerations: How many group members have experienced economic/environmental impacts from contamination at the site? Please describe the actual or potential economic harm or loss of environmental amenities the site has imposed on individual group members, and efforts group members have undertaken to resolve or make known these concerns.**

All members of the RCRC have been impacted in some way. The loss of a Blue Ribbon trout fishery in the Red River has had severe economic impacts on Questa and other local communities. Significant numbers of tourists used to stay in Questa and fish the Red River and engage in other recreational activities. Now that the Molycorp mine has destroyed the fishery, local residents have lost potentially large revenues from tourists. Effects to the fishery in the Red River have been devastating, with a complete loss of a viable population of trout in the stream. Some members of the RCRC have been voicing concerns about the Molycorp mine for 30 years.

Environmental impacts from the Molycorp mine are believed to be significant. However, lack of cooperation on the part of the mine and a lack of hard data have made an accurate assessment of these impacts difficult. The mine clearly has impacts on the Red River. In addition, a large subsidence area on the mine will cause long-term site access problems, groundwater contamination, and safety concerns. The mine has a long history of air and water pollution in addition to tailing spills that have severely impacted *acequias* and arable land, thus resulting in a loss of income and added expenses to property owners. Some property owners along the Red River have had to haul in drinking water due to contaminated wells. Business opportunities and property values have been directly impacted by the environmental degradation of the community. Some group members whose wells have been contaminated have been forced to stop renting their properties, resulting in economic losses. Other members can no longer safely grow organic vegetables, another source of income. Other long-term concerns include the instability of large waste rock dumps hanging on steep slopes above the Red River and the highway.

**Section 2 -Statement of Work for the Technical Advisor**

A. **Statement of Work: Please identify the technical advisor(s)' tasks for each phase of the Superfund process. For each of these phases, please note what the technical advisor will do, the estimated amount of time needed to complete each task, and specific documents, reports, or other tangible work products you expect the technical advisor to produce.**

See attached Statement of Work (Attachment A).

B. **Detailed Budget: Prepare a budget for the technical assistance project. Indicate the tasks to be completed by the technical advisor, the estimated number of hours, and the cost for each task (including travel costs). Use footnotes to explain assumptions made in the budget (such as hourly rate of advisor or adjustments for inflation). This budget should identify everything that you expect to purchase with grant funds.**

**The budget should show the amount of the group's matching contribution separately from federal funds. Note that the grant funds (usually 80 percent) plus group contribution (usually 20 percent) must equal the total project costs; grant funds cannot exceed 80 percent of project costs for any budget period. In your statement, be sure that you differentiate cash expenditures from in-kind contributions. Also, include explanations of the assumptions made in calculating the value of in- kind contributions.**

See attached budget (Attachment B).

**Attachment A**

**Statement of Work for Technical Advisor**

**Rio Colorado Reclamation Committee**

The following tasks have been designed for the Technical Advisor for the Rio Colorado Reclamation Committee. A narrative description of each task follows. A table summarizing these tasks and the timeframe during which they are expected to occur follows the narrative.

**Task 1:** Review, comment on, and interpret documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Assessments; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; and Final Remedial Investigation report.

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2001. The Technical Advisor (TA) is expected to spend an average of 16 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the RI documents and at other times the TA will spend no time on this task.

**Deliverables:** The TA will produce short summary reports of each major document generated during the RI process. These summaries will be handed out at monthly RCRG meetings and will be reproduced in the RCRG newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

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**Task 2:** Attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, and the public. Keep notes of meetings and summarize at monthly RCRC meetings and in the RCRC newsletter.

**Timeframe:** Technical meetings are expected to be held for 1-3 days each month. Thus an average of 16 hours per month is being budgeted for this task over the two-year period beginning in August 2001.

**Deliverables:** The TA will provide a short written summary of each technical meeting at monthly RCRC meetings and in the quarterly newsletter produced by RCRC.

**Task 3:** Review, comment on, and interpret documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated during the FS phase.

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2002. The Technical Advisor (TA) is expected to spend an average of 16 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the FS documents and at other times the TA will spend no time on this task.

**Deliverables:** The TA will produce short summary reports of each major document generated during the FS process. These summaries will be handed out at monthly RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

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**Task 4:** Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final report and write summary for the RCRC. Give monthly updates on the status of this study to the RCRC and write short updates on this activity in the RCRC newsletter.

**Timeframe:** The field studies and data collection for this report will be done during 2001-2002. The final report will be written and submitted in the spring of 2003. Consequently, this task may extend beyond the two-year period of the initial TAG. The TA is expected to spend an average of 10 hours each month reviewing and commenting on the data collection and draft reports from the USGS.

**Deliverables:** Short written summaries of the data collection and draft reports will be included in the RCRC quarterly newsletter, in addition to monthly progress reports made orally to the RCRC.

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**Task 5:** Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site.

**Timeframe:** The ROD is expected to be done in the spring of 2003. Reviews and comments on the draft and final ROD will take 18 hours.

**Deliverables:** The TA will prepare written comments on the ROD on behalf of the RCRC. The TA will also provide oral comments at the monthly RCRC meetings in 2003 and written comments in the RCRC newsletter in the spring of 2003.

**Table A-1: Tasks and Estimated Time for Work of Technical Advisor under Rio Colorado Reclamation Committee TAG.**

| Task | 3rd Qtr 2001 | 4th Qtr 2001 | 1st Qtr 2002 | 2nd Qtr 2002 | 3rd Qtr 2002 | 4th Qtr 2002 | 1st Qtr 2003 |
|---|---|---|---|---|---|---|---|
| 1: Review RI documents | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 2: Attend RI mtgs; RCRC mtgs; prepare RCRC newsletter | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS documents; prepare RCRC newsletter | | | | | 48 hrs | 48 hrs | 48 hrs |
| 4: Review docs & attend mtgs on USGS study on baseline water quality | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs |
| 5: Review and comment on ROD | | | | | | | 30 hrs |
| 6: Grant administration* | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| Hourly Sub-total by quarter | 138 hours | 138 hours | 138 hours | 138 hours | 90 hours | 90 hours | 120 hours |

**Total Hours for Technical Advisor: 800 x $50/hr= $40,000**

**Total Hours for Grant Administration= 168 x $25/hr= $4,200**

**Miscellaneous Expenses (Newsletter printing; mailing; phone, travel)= $5,800** – not allowed

*** Grant Administrator will include everything from placing ads for TAs, advertising group meetings to keeping financial, phone and in-kind logs for the Board.**

## Attachment B

## Budget for Rio Colorado Reclamation Committee TAG, 2001-2003.

| Task | 3rd qtr 01 | 4th qtr 01 | 1st qtr 02 | 2nd qtr 02 | 3rd qtr 03 | 4th qtr 02 | 1st qtr 03 |
|---|---|---|---|---|---|---|---|
| 1: Review RI docs | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 2: Attend RI, RCRC mtg | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS docs | | | | | 48 hrs | 48 hrs | 48 hrs |
| 4: Review USGS work | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs |
| 5: Review ROD | | | | | | | 30 hrs |
| **Sub-total, hours** | 126 hrs | 126 hrs | 126 hrs | 126 hrs | 78 hrs | 78 hrs | 108 hrs |
| **Rate ($50) x Hours** | $6,300 | $6,300 | $6,300 | $6,300 | $3,900 | $3,900 | $5,400 |
| **Grant Administration** | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| **Rate ($25) x Hours** | $600 | $600 | $600 | $600 | $600 | $600 | $600 |
| **Travel & Expenses** | $1,100 | $1,000 | $1,100 | $1,000 | $1,100 | $1,000 | $1,100 |
| **In-Kind Contribution** | $1,700 | $1,800 | $1,700 | $1,800 | $1,800 | $1,800 | $1,700 |
| **Sub-total, by quarter** | $9,700 | $9,700 | $9,700 | $9,700 | $7,500 | $7,400 | $8,800 |
| **Total (Grant + In-Kind)** | **$62,500** | | | | | | |

**Note:**

1. Travel expenses based on rate of $0.33/mile + lodging costs + $25 per diem.
2. Other expenses include printing costs for newsletter; office supplies; phone.
3. Grant administration costs: $50/hr x 4 hrs/month + one-time audit costs.
4. In-Kind Contribution Assumptions:

   Meeting space/equipment donation= $150/month x 3 months/qtr= $450/quarter

   3 Board members @ $25/hr x 6 hours/month x 3months/qtr= $1350/quarter (time donation)

Object class categories

- is travel for TA - if so include in contractual $$
- how will 12,500 in kind be used?

Feb 2000

# ADMINISTRATIVE REVIEW CHECKLIST FOR APPLICATIONS

Application: Standard Form 424, 424A, & 424B (Non-Construction)

Work Sheet - Zara

TO: _____ 7/23/01

Project Officer | Mail Code | Date

If you have questions, please contact the Grant Specialist/Assistant below

Applicant: Rio Colorado Reclamation Committee (RCRC)

{ } New Application { } Amendment Submission Date: _____

Grant Number: _____

Statute (Act): _____ Section: _____

Matching Share Requirements: _____% Requirement Met? { } Yes { } No

Subject to Maintenance of Effort (MOE) under Clean Water Act or Continuing Effort Level (CEL) under Clean Air Act Requirement?

{ } Yes { } No MOE / CEL $_____ In Application is MOE/CEL Met? { } Yes { } No

Catalog of Federal Domestic Assistance (CFDA) Number: 66.✓ SMALL GRANT? ____YES ✓ NO

If yes, P. O. must address in Decision Memo

Project Description _____

**Application Pkg. { } COMPLETE**

PLEASE SUBMIT: DECISION PACKAGE

- { } Decision Memo
- { } Quality Assurance Certification
- { } Funding Order
- { } Commitment Notice

**Application Pkg. {✓} INCOMPLETE: PLEASE CONTACT APPLICANT**

- {✓} Application Form Incomplete/Inaccurate
- {✓} Program Element Budget Missing/Inaccurate need to be on budget page
- {✓} List of Contact Personnel / Staffing List Missing/Incomplete
- { } Breakdown of "Other" / Equipment List Missing/Incomplete
- {✓} Clearinghouse (Intergovernmental Review) Info Missing/Incomplete
- { } Ind. Cost Negotiated Agreement Missing/Expired
- {✓} Pre-award Compliance Review (EPA Form 4700-4) Missing/Incomplete

{ } CERTIFICATION(S) MISSING/INCOMPLETE

- { } Debarment & Suspension
- { } Assurances
- { } Anti-Lobbying
- {✓} Procurement System (Superfund) missing

**CONTRACTUAL SERVICES**

{ } EPA's participation for consultants is limited to an Executive Schedule Level IV/GS-18, which is approximately $58.85 per hour in 2000. [40 CFR 30.27(b) and 31.36 (j)(1)]

_____

_____

_____

_____

Grants Management Specialist/Assistant | Telephone Number

SF-424 - APPLICATION FOR FEDERAL ASSISTANCE

{✓} EVIDENCE OF INTERGOVERNMENTAL REVIEW PROCESS COMPLETED - (INDIAN TRIBES EXEMPT)

need State Application Identifier (#3) Or date sent to State Clearinghouse (#16) AND response from SPOC

{ } Congressional District NUMBERS of Applicant's Office (#14a) and Project (#14b)

need {✓} Employer Identification Number (EIN) - (#6) Assigned by IRS

{ } Debt Statement - (#17) { } Yes { } No If "Yes", is required explanation attached?

{ } Estimated Funding - (#15) Applicant & Federal

{ } Signature & Date - (#18) - Signed by Applicant Official who has authority to commit Agency/Organization performance.
If Continuing Environmental Program Grant, is date prior to end of the current budget project period?

SF-424A - BUDGET INFORMATION (NON-CONSTRUCTION)

Section A NOTE: THIS SECTION IS NOT APPLICABLE FOR SMALL GRANTS

{ } Unexpended Prior Year Funds (Est. Unobligated) - Appropriation Expired? _____Yes _____No

{ } New or Revised Budget - Federal amount plus required matching funds.

{ } Total - Should include Federal and non-Federal, both new and unexpended, if any.

Section B: { } Object Class Budget - Combined Federal and non-Federal funds. REQUIRED ON ALL GRANTS

Sections C, D, E - NOT REQUIRED

Section F: Other Budget Information

{ } Block #22 Percentage rate and dollar amount of the base on which applicant claimed indirect costs.

SF-424B - ASSURANCES

{ } Signed by Agency/Organization Official who signed the SF-424.

REQUIRED ATTACHMENTS

{ } WORK PLAN/WORK PROGRAM [40 CFR Parts 30, 31, & 35]

{ } PROGRAM INCOME - Will it be generated?

{ } PROGRAM ELEMENT BUDGET [40CFR Sec. 30.12(b), 31.10(b)(3), 35.125, and 35.130]

need {✓} APPLICANT CONTACT PERSONNEL - Information on Contact Persons

THE FOLLOWING "BOXED INFORMATION IS NEEDED FOR ALL GRANTS EXCEPT SMALL GRANTS

{✓} STAFFING LIST - [A-87, A-21, and A-122] need key contact list

{ } BREAKDOWN OF "OTHER" - This detail needed when "Other", (6h) in Object Class Categories, is over $1,000. Pass-throughs to other State Agencies, Universities, etc will also be identified in this "breakdown". [A-87, A-21, and A-122]

{ } EQUIPMENT LIST - STATE, LOCAL GOVERNMENTS, & INDIAN TRIBES - List items costing $5,000 or more each. Items costing less than $5,000 each are considered to be "supplies". If there is a large dollar amount for supplies (items under $5,000 each), applicant should also identify the general nature of these items, e.g., desks, chairs, fax machine, filters, test tubes., etc. [40 CFR Part 31.] - OTHER APPLICANTS and SUPERFUND - List items costing $5,000 or more each. [40 CFR Parts 30, 31, 35.6015 and 35.6300].

{ } COPY OF CURRENT INDIRECT COST NEGOTIATION AGREEMENT WITH COGNIZANT FEDERAL AGENCY - NOT REQUIRED IF COPY COVERING THE CURRENT BUDGET PROJECT PERIOD IS ON FILE (PREVIOUSLY SUBMITTED).

{ } BUNDLED CERTIFICATIONS dated _____

{ } EPA FORM 5700-49, "CERTIFICATION REGARDING SUSPENSION & DEBARMENT" - *** Must be attached to EACH application.

ok [40 CFR, Part 32 Subpart "C" and Subpart "D", 35.2105, 35.6560] CANNOT BUNDLE

{ } ANTI-LOBBYING CERTIFICATION & DISCLOSURE FORM - Required with each application requesting over $100,000 in Federal funds per project.

ok [40 CFR, Part 34]

{ } CHECK FOR 501(c)(4) STATUS - For Non-profits and Educational Institutions Only.

need {✓} EPA FORM 5700-48, "PROCUREMENT SYSTEM CERTIFICATION" - Required for Superfund; Optional for Local Government and Indian Tribes. [40 CFR, 30.42, 31.36, 35.925-20, 35.4066, 35.6550 thru 35.6670, 35.10035].

need {✓} MBE/WBE FAIR SHARE OBJECTIVES - Will applicant accept Lead State Agency Goals ____ Or negotiate their own goals ____?

need {✓} EPA FORM 4700-4, "PRE-AWARD COMPLIANCE REVIEW" - Required for all projects.

REQUIRED FOR STATE REVOLVING FUND APPLICATIONS ONLY

{ } INTENDED USE PLAN (IUP) [40CFR 35.3150]

need {✓} STATE ATTORNEY GENERAL CERTIFICATIONS [40 CFR 35.3110].
SPOC

RCRA

# TECHNICAL ASSISTANCE GRANT
# APPLICATION PACKAGE CONTENTS

- EPA Acknowledgment of Receipt of Application
- TAG Application Submittal Checklist
- TAG Entities Which Sue the Agency Fact Sheet
- yes SF-424, 424A, 424B - Application Form and Budget Worksheets and Assurances
- need no Key Contact Form
- need no State Single Points of Contact need ltr to SPOC, response from S.
- yes Certification Regarding Debarment and Suspension
- yes Lobbying Certification and Disclosure Forms
- need no Pre-Award Compliance Review Report
- Superfund Specific Requirements
- need no Procurement System Certification
- need no Electronic Funds Transfer (EFT) Form
- Regulations and OMB Circulars
- New TAG Rule - won't have as it is new - just now being sent out
- yes Drug Free Act

NM Hwy 38 Red River

R-8 Zortman - Sandusky

July 19, 2001

Dear Beverly

Please excuse the last-minute handwritten note. Enclosed is the original and 2 copies of our TAG application. Kathleen Ansling, before she went on leave, told us we had plenty of time to get this to you, since talks were no where near completion between the EPA and Molycorp. More, her replacement, said he was hoping something might be completed by September, so we decided to proceed.

In case they have not notified you, the Cerro Neighborhood Association has no intention to apply for the Grant. Therefore, I believe we are the only group applying.

Since I'm handling all paperwork for now, the group felt that we should continue with my Albuquerque address. When we move into the nonprofit incorporation phase we will have a Questa P.O. Box. There is no direct mail delivery in Questa, hence the feeling of more security with a real address.

I look forward to hearing from you.

Sincerely,

Karen Ross Douglas

Baydston Suttice

July 19, 2001

RECEIVED
EPA REGION VI

01 JUL 23 AM 9:22

PROGRAMS MGMT BRANCH

Beverly Negri
6 SF-PO
USEPA Region 6
1445 Ross Ave.
Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri:

I am submitting an application for a Technical Assistance Grant (TAG) for the Molycorp molybdenum mine site east of Questa, New Mexico on behalf of the Rio Colorado Reclamation Committee (RCRC). This citizens' group has formed to gather and disseminate information on the RI/FS Superfund process that will be collecting data and evaluating remedies at the Molycorp mine over the next two years. The RCRC is seeking a TAG for $50,000 to begin work in August 2001. All application materials and a check list are enclosed.

The Rio Colorado Reclamation Committee was formed by several concerned local citizens in the fall of 2000 to begin educating its members and the general public about environmental issues associated with the Molycorp molybdenum mine perched above the Red River 5 miles east of Questa. For many years, local residents and property owners have voiced concerns about the effects of the Molycorp mine on the environment, their own properties, and, in some cases, their health. Until recently little attention was paid to these concerns. In the past year, however, the State of New Mexico (Environment Department and Mining and Minerals Division), US EPA, and local groups like Amigos Bravos have made significant progress in working with Molycorp to develop a process that will collect information on a wide variety of technical subjects. This information will ultimately be used to identify areas requiring cleanup on, and possibly off, the mine site.

The RCRC will apply for incorporation as a nonprofit organization as soon as the TAG is awarded. The group was formed in the fall of 2000 by concerned area residents, property owners along the Red River and local business owners who wish to become involved in the Superfund process as affected parties to the mine cleanup. The goal of the RCRC (taken from its charter) is to, "Guarantee the full cleanup and restoration of the Red River, see that the Molycorp mine is reclaimed responsibly, and educate the general public on health, safety, and environmental effects of mining at the Molycorp mine site and in the Questa area."

The RCRC is prepared to accept the terms of the TAG as specified in EPA guidance documents. The Managing Director and Board of Directors have agreed to abide by the financial and administrative policies of EPA, Region 6, with the understanding that the RCRC be allowed to use its own discretion in spending TAG funds to communicate complex technical information to the public.

The members of the Rio Colorado Reclamation Committee look forward to working with you and other EPA staff in the future. I hope you are able to visit the mine and Questa soon and attend one of our meetings.

Sincerely,

Karen Ross Douglas

Karen Ross Douglas
Managing Director
Rio Colorado Reclamation Committee

# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

| | | |
|---|---|---|
| 1. TYPE OF SUBMISSION: Application: ☐ Construction ☒ Non-Construction; Preapplication: ☐ Construction ☐ Non-Construction | 2. DATE SUBMITTED 7/19/01 | Applicant Identifier |
| | 3. DATE RECEIVED BY STATE | State Application Identifier |
| | 4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier |

**5. APPLICANT INFORMATION**

Legal Name: RIO COLORADO RECLAMATION COMMITTEE

Organizational Unit: NA

Address (give city, county, state, and zip code): TEMP. C/O DOUGLAS 4601 MONTANA NW, APT 116 ALBUQUERQUE, NM 87120 (ACQUIRING A POBOX IN QUESTA, NM TAOS COUNTY)

Name and telephone number of person to be contacted on matters involving this application (give area code): KAREN DOUGLAS (505) 899-0774

6. EMPLOYER IDENTIFICATION NUMBER (EIN): NOT YET INCORPORATED

7. TYPE OF APPLICANT: (enter appropriate letter in box) N

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) Nonprofit Citizen Organization

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

9. NAME OF FEDERAL AGENCY: U.S. Environmental Protection Agency

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 66 - 806

TITLE Superfund Technical Assistance Grant

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: TECHNICAL ASSISTANCE AT THE MOLYCORP, INC QUESTA SITE

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): QUESTA & CERRO N.M. TAOS COUNTY

13. PROPOSED PROJECT

Start Date: 8/1/01 Ending Date: 3/31/03

14. CONGRESSIONAL DISTRICTS OF: a. Applicant 3 (NM) b. Project 3 (NM)

15. ESTIMATED FUNDING:

| | | |
|---|---|---|
| a. Federal | $ 50,000. | .00 |
| b. Applicant | $ 12,500. | .00 |
| c. State | $ | .00 |
| d. Local | $ | .00 |
| e. Other | $ | .00 |
| f. Program Income | $ | .00 |
| g. TOTAL | $ 62,500. | .00 |

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☒ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☒ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

| | | |
|---|---|---|
| a. Type Name of Authorized Representative: KAREN DOUGLAS | b. Title: MANAGING DIRECTOR | c. Telephone Number: (505) 899-0774 |
| d. Signature of Authorized Representative: Karen Ross Douglas | | e. Date Signed: July 19, 2001 |

Previous Edition Usable
Authorized for Local Reproduction

Standard Form 424 (REV. 4-92)
Prescribed by OMB Circular A-102

OMB Approval No. 0348-0044

# BUDGET INFORMATION - Non-Construction Programs

## SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. Technical Assistance | 66-806 | $ | $ | $ | $ | $ |
| 2. Grant at: MOLYCORP, INC. | | | SEE DETAILED BUDGET IN PROJECT NARRATIVE STATEMENT | | | |
| 3. QUESTA MINE SITE | | | SECTION 2(B) | | | |
| 4. | | | | | | |
| 5. Totals | | $ | $ | $ | $ | $ |

## SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | Total |
|---|---|---|---|---|---|
| | (1) Technical Assistance | (2) | (3) | (4) | (5) |
| a. Personnel | $ | $ | $ | $ | $ |
| b. Fringe Benefits | | SEE DETAILED BUDGET IN PROJECT NARRATIVE STATEMENT, SECTION 2(B) | | | |
| c. Travel | | | | | |
| d. Equipment | | | | | |
| e. Supplies | | | | | |
| f. Contractual | | | | | |
| g. Construction | | | | | |
| h. Other | | | | | |
| i. Total Direct Charges (sum of 6a-6h) | | | | | |
| j. Indirect Charges | | | | | |
| k. TOTALS (sum of 6i and 6j) | $ | $ | $ | $ | $ |
| 7. Program Income | $ | $ | $ | $ | $ |

| SECTION C - NON-FEDERAL RESOURCES | | | | |
|---|---|---|---|---|
| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e) TOTALS |
| 8. Technical Assistance at: MOLYCORP, INC. | $ SEE DETAILED BUDGET IN | $ | $ PROJECT NARRATIVE | $ |
| 9. QUESTA MINE SITE | STATEMENT, SECTION 2(B) | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTAL (sum of lines 8 – 11) | $ | $ | $ | $ |

| SECTION D - FORCASTED CASH NEEDS | | | | | |
|---|---|---|---|---|---|
| | Total for 1st Year | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
| 13. Federal | $ 31,800 | $ 8,000.00 | $ 7,900.00 | $ 8,000.00 | $ 7900.00 |
| 14. NonFederal | 7,000 | 1,700.00 | 1,800.00 | 1700.00 | 1,800.00 |
| 15. TOTAL (sum of lines 13 and 14) | $ 38,000 | $ 9,700.00 | $ 9,700.00 | $ 9,700.00 | $ 9,700.00 |

| SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT | | | | |
|---|---|---|---|---|
| (a) Grant Program | FUTURE FUNDING PERIODS (Years) | | | |
| | (b) First | (c) Second | (d) Third | (e) Fourth |
| 16. Technical Assistance Grant at: MOLYCORP, | $ SEE DETAILED BUDGET IN | $ | $ PROJECT NARRATIVE | $ |
| 17. INC. QUESTA MINE SITE | STATEMENT, SECTION 2(B) | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTAL (sum of lines 16-19) | $ | $ | $ | $ |

| SECTION F - OTHER BUDGET INFORMATION | |
|---|---|
| 21. Direct Charges: NA | 22. Indirect Charges: NA |
| 23. Remarks: | |

OMB Approval No. 0348-0040

# ASSURANCES — NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U. S. C. §4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C. F. R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U. S. C. §1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S. C. §6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a - 7), the Copeland Act (40 U.S.C. §§276c and 18 U. S. C. §§874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
|---|---|
| Karen Ross Douglas | MANAGING DIRECTOR |
| **APPLICANT ORGANIZATION** | **DATE SUBMITTED** |
| RIO COLORADO RECLAMATION COMMITTEE | July 19, 2001 |

# Technical Assistance Grant

*Project Narrative Statement*

**Section 1 (Group Qualifications)**

**A. Group Eligibility**

**1. Do any of the following categories apply to your group?** No.
**No group members are PRPs.**
**The group was not established by a PRP.**
**The group was not/is not sustained by a PRP.**
**The group was not/is not sustained by**
**a. a corporation that is not incorporated for the specific purpose of representing affected individuals at the site;**
**b. an academic institution;**
**c. a political subdivision**
**No one in the group has a financial involvement in a PRP as other than an employee or contractor.**

**2. How many members in your group?** 10
**Is it made up of a coalition of groups?** No
**If not, how was your group formed?** By concerned citizens who live, work, or own property in the Questa-Red River area and who are concerned that the Molycorp mine is having a deleterious effect on human and animal health, water quality, soils, and quality of life in the area adjacent to and downstream from the mine.

**B. Responsibility Requirements**

**1. Administrative and Management Capabilities: Please briefly describe the organizational structure of your group in the space below. (Describe roles and responsibilities of members, particularly members who will be responsible for financial management of the grant and directing the activities of the contractor.)**

The Rio Colorado Reclamation Committee (RCRC) consists of a Board of Directors headed by a President. Other members of the group attend meetings and may vote on matters at Board meetings. The Board will make administrative and financial decisions at monthly meetings regarding the TAG. Once a Technical Advisor (TA) is hired under a detailed Scope of Work, the Board will oversee the work of the TA, authorize work tasks and travel, and plan future activities with the TA. The President will be the authorized signatory for all TAG activities, including the contract with the TA, monthly checks, and overseeing work of the Managing Director. The Managing Director will handle all official correspondence with EPA, Region 6. The Vice-President will act on behalf of the President in the President's absence. The President and Vice-President will be elected from the Board of Directors.

**2. Resources for Project Completion: What resources are available to your group to help complete the TAG Project? (Include any plans that your group has for in-kind contributions or for fund-raising and obtaining cash.)**

The RCRC will use meeting space provided by the Questa school district at the La Cienega Elementary School. The group will use computers, printers, and fax machines provided by various Group members to conduct its routine business. The RCRC does not assess dues, but it may solicit donations to help defray some administrative costs. Contributions of time by Board members and use of equipment from Group members will be used to meet the in-kind requirement under the TAG, as will the use of the previously mentioned meeting space.

**3. Performance Record: Please describe your group's past performance with satisfactorily completing projects and contract. (If your group has no past experience, EPA will evaluate the description, budget, and schedule you provide in Section 2 of this application.)**

The RCRC has no prior experience in dealing with contracts and Superfund projects. However, individual members of the group do have prior experience in grant administration and environmental projects through such groups as Concerned Citizens of Questa, Amigos Bravos, and the Red River Watershed Group.

**4. Accounting and Auditing Procedures: What procedures does your group plan to use for recordkeeping and financial accountability related to the grant? Please identify the member of your group who will maintain your financial records.**

The Treasurer of RCRC will oversee all finances. The Board of Directors of RCRC will review and approve (or disapprove) annual financial reports produced by an accountant. The RCRC will contract out the monthly grant administration to a local member, currently Karen Douglas. The RCRC will also hire a CPA in 2002 to audit grant expenditures and provide a report to the EPA on the financial status of the TAG.

**5. Incorporation: Is your group incorporated specifically for the purpose of addressing problems at this site? (yes/no) If not, what steps is your group taking to incorporate for grant-related purposes?**

RCRC is not presently incorporated, but will as a nonprofit organization for the sole purpose of addressing problems at this site as soon as the Grant is awarded. As stated in TAG materials, we will use money from the Grant to pay for this incorporation if we cannot find a lawyer to do this work on a pro-bono basis. If this is the case, then our estimated 1st quarterly budget will need to be adjusted to include this expense. At a future time, if deemed necessary, the RCRC may be applying for 501(c)(3) status with the Internal Revenue Service. Once the application is approved, the RCRC will provide a copy of the approved application and the tax number to EPA.

**6. Drug-Free Workplace Policy: Does your group promise not to engage in illegal drug-related activities while carrying out activities using TAG funds? -(yes)**

**C. Group Issues and Objectives**

1. **Health Considerations: How many group members have experienced health effects from contamination at the site? Describe actual or potential health threats the site poses to individual group members and the efforts members of your group have undertaken to resolve or make known these health concerns.**

Studies are underway to determine health effects from the Molycorp mine on the local population. Several group members report concerns with water quality in the Red River and contamination in drinking water wells adjacent to the mine. Potential COCs from the mine include molybdenum, beryllium, aluminum, cadmium, manganese, iron, fluoride, lead, zinc, TDS, sulfate, and low pH water. The following contaminants have been documented as being present at unsafe levels in one or more local drinking water wells: aluminum, beryllium, cadmium, iron, manganese, fluoride, and sulfates. Many local residents report chronic stomach problems, non-alcoholic cirrhosis of the liver, respiratory problems, Alzheimer's disease, fatigue, memory loss, loss of appetite, and other symptoms that may or may not be caused by drinking contaminated water or from exposure to contaminants in the soil or air. Several group members have been diagnosed with heavy metals poisoning, for which they attribute exposure to contamination from the mine site as a contributing factor.

Some members of RCRC and the local community have been voicing concerns about the Molycorp mine for 30 years. The recent listing of the mine as an NPL site is the result of diligent efforts by local community members, the Taos-based environmental group, Amigos Bravos, and various technical consultants to Amigos Bravos (Trout Unlimited, Center for Science in Public Participation, Southwest Research Information Center, New Mexico Environmental Law Center and the Western Environmental Law Center). Individual memblers of RCRC have written articles in numerous publications, including the *Taos News.* They have also spoken at public regulatory hearings and with New Mexico Gov. Gary Johnson and contacted Senators Pete Domenici, Jeff Bingaman, and Congressman Tom Udall regarding the health concerns associated with the site.

2. **Consolidation/Representation: Describe the number and diversity of affected community organizations and individuals represented by your group, highlighting the ways in which your group represents individuals affected by the site.**

The Rio Colorado Reclamation Committee has members from the Questa community, Cerro Neighborhood Association, and property owners who own land on or adjacent to the Red River downstream from the Molycorp mine. The group has members whose domestic water wells have been sampled and found to contain elevated levels of molybdenum, TDS, sulfate, aluminum, beryllium, cadmium, manganese, iron, and fluoride. These potentially dangerous constituents of concern are thought to have leached from the Molycorp mine dumps. The

RCRC has contacted members of the Cerro Neighborhood Association who have concerns about the large tailings pond south of their community. Members of the Red River Restoration Group will also be involved with the RCRC. Some members of the group are fishermen who are interested in seeing the Red River to its pre-mining condition as a Blue Ribbon trout fishery. The group also represents farmers who, like generations before them, use local *acequias* to irrigate their fields. Others own businesses aimed at the tourist trade, which has been damaged by the collapse of the Red River as a prize trout fishery and by the dramatic eyesore created by the mine along Highway 38. Members with contaminated wells can no longer rent their properties to vacationers, at times a source of income for generations. Several members of the group own property in Questa or along the Red River that has been in the family for generations. The Group also has representation from the Red River Watershed Group, which is concerned with the health of the entire Red River Watershed, both above and below the Molycorp mine site.

3. **Tasks for Technical Advisors: Please describe how your group intends to use your technical advisor to interpret technical Superfund information.**

The RCRC will employ a TA to attend all meetings held between EPA and Molycorp and/or its subcontractors to review documents generated during the RI/FS process, including the Human Health and Ecological Risk Assessment. The TA will give oral reports at monthly meetings of the RCRC, write short reports summarizing specific topics of concern, and assist with writing a quarterly newsletter that will summarize work at the Molycorp Superfund site. The TA will also communicate in person and in writing with concerned citizens who have specific concerns and may wish to communicate privately. The TA will communicate technical information in clear, understandable language to the layperson. To this end, the TA will prepare (or use existing EPA material) a list of acronyms, units of measurement, other interpretive materials as needed, and contacts at Molycorp, state, and federal agencies for distribution to local residents and other interested citizens.

4. **Information Sharing: How does your group intend to share information collected with grant funds with the larger community?**

The RCRC plans to write and distribute a quarterly newsletter documenting work done under the RI/FS process at the Molycorp site. In addition, the group will hold monthly public meetings at La Cienega Elementary School in Questa to share information with the public. Other venues for information dissemination include local newspapers in Taos and Santa Fe, the Albuquerque news media, and public radio in Taos and Alamosa, Colorado that reaches the Questa area. Members of the Red River Restoration Group will also be involved with the RCRC. The information will also be shared with elected Village, County, and State officials.

5. **Economic/Environmental Considerations: How many group members have experienced economic/environmental impacts from contamination at the site? Please describe the actual or potential economic harm or loss of environmental amenities the site has imposed on individual group members, and efforts group members have undertaken to resolve or make known these concerns.**

All members of the RCRC have been impacted in some way. The loss of a Blue Ribbon trout fishery in the Red River has had severe economic impacts on Questa and other local communities. Significant numbers of tourists used to stay in Questa and fish the Red River and engage in other recreational activities. Now that the Molycorp mine has destroyed the fishery, local residents have lost potentially large revenues from tourists. Effects to the fishery in the Red River have been devastating, with a complete loss of a viable population of trout in the stream. Some members of the RCRC have been voicing concerns about the Molycorp mine for 30 years.

Environmental impacts from the Molycorp mine are believed to be significant. However, lack of cooperation on the part of the mine and a lack of hard data have made an accurate assessment of these impacts difficult. The mine clearly has impacts on the Red River. In addition, a large subsidence area on the mine will cause long-term site access problems, groundwater contamination, and safety concerns. The mine has a long history of air and water pollution in addition to tailing spills that have severely impacted *acequias* and arable land, thus resulting in a loss of income and added expenses to property owners. Some property owners along the Red River have had to haul in drinking water due to contaminated wells. Business opportunities and property values have been directly impacted by the environmental degradation of the community. Some group members whose wells have been contaminated have been forced to stop renting their properties, resulting in economic losses. Other members can no longer safely grow organic vegetables, another source of income. Other long-term concerns include the instability of large waste rock dumps hanging on steep slopes above the Red River and the highway.

**Section 2 -Statement of Work for the Technical Advisor**

A. **Statement of Work: Please identify the technical advisor(s)' tasks for each phase of the Superfund process. For each of these phases, please note what the technical advisor will do, the estimated amount of time needed to complete each task, and specific documents, reports, or other tangible work products you expect the technical advisor to produce.**

See attached Statement of Work (Attachment A).

B. **Detailed Budget: Prepare a budget for the technical assistance project. Indicate the tasks to be completed by the technical advisor, the estimated number of hours, and the cost for each task (including travel costs). Use footnotes to explain assumptions made in the budget (such as hourly rate of advisor or adjustments for inflation). This budget should identify everything that you expect to purchase with grant funds.**

**The budget should show the amount of the group's matching contribution separately from federal funds. Note that the grant funds (usually 80 percent) plus group contribution (usually 20 percent) must equal the total project costs; grant funds cannot exceed 80 percent of project costs for any budget period. In your statement, be sure that you differentiate cash expenditures from in-kind contributions. Also, include explanations of the assumptions made in calculating the value of in- kind contributions.**

See attached budget (Attachment B).

**Attachment A**

**Statement of Work for Technical Advisor**

**Rio Colorado Reclamation Committee**

The following tasks have been designed for the Technical Advisor for the Rio Colorado Reclamation Committee. A narrative description of each task follows. A table summarizing these tasks and the timeframe during which they are expected to occur follows the narrative.

**Task 1:** Review, comment on, and interpret documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Assessments; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; and Final Remedial Investigation report.

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2001. The Technical Advisor (TA) is expected to spend an average of 16 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the RI documents and at other times the TA will spend no time on this task.

**Deliverables:** The TA will produce short summary reports of each major document generated during the RI process. These summaries will be handed out at monthly RCRG meetings and will be reproduced in the RCRG newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

---

**Task 2:** Attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, and the public. Keep notes of meetings and summarize at monthly RCRC meetings and in the RCRC newsletter.

**Timeframe:** Technical meetings are expected to be held for 1-3 days each month. Thus an average of 16 hours per month is being budgeted for this task over the two-year period beginning in August 2001.

**Deliverables:** The TA will provide a short written summary of each technical meeting at monthly RCRC meetings and in the quarterly newsletter produced by RCRC.

**Task 3:** Review, comment on, and interpret documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated during the FS phase.

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2002. The Technical Advisor (TA) is expected to spend an average of 16 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the FS documents and at other times the TA will spend no time on this task.

**Deliverables:** The TA will produce short summary reports of each major document generated during the FS process. These summaries will be handed out at monthly RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

---

**Task 4:** Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final report and write summary for the RCRC. Give monthly updates on the status of this study to the RCRC and write short updates on this activity in the RCRC newsletter.

**Timeframe:** The field studies and data collection for this report will be done during 2001-2002. The final report will be written and submitted in the spring of 2003. Consequently, this task may extend beyond the two-year period of the initial TAG. The TA is expected to spend an average of 10 hours each month reviewing and commenting on the data collection and draft reports from the USGS.

**Deliverables:** Short written summaries of the data collection and draft reports will be included in the RCRC quarterly newsletter, in addition to monthly progress reports made orally to the RCRC.

---

**Task 5:** Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site.

**Timeframe:** The ROD is expected to be done in the spring of 2003. Reviews and comments on the draft and final ROD will take 18 hours.

**Deliverables:** The TA will prepare written comments on the ROD on behalf of the RCRC. The TA will also provide oral comments at the monthly RCRC meetings in 2003 and written comments in the RCRC newsletter in the spring of 2003.

**Table A-1: Tasks and Estimated Time for Work of Technical Advisor under Rio Colorado Reclamation Committee TAG.**

| Task | 3rd Qtr 2001 | 4th Qtr 2001 | 1st Qtr 2002 | 2nd Qtr 2002 | 3rd Qtr 2002 | 4th Qtr 2002 | 1st Qtr 2003 |
|---|---|---|---|---|---|---|---|
| 1: Review RI documents | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 2: Attend RI mtgs; RCRC mtgs; prepare RCRC newsletter | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS documents; prepare RCRC newsletter | | | | | 48 hrs | 48 hrs | 48 hrs |
| 4: Review docs & attend mtgs on USGS study on baseline water quality | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs |
| 5: Review and comment on ROD | | | | | | | 30 hrs |
| 6: Grant administration* | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| Hourly Sub-total by quarter | 138 hours | 138 hours | 138 hours | 138 hours | 90 hours | 90 hours | 120 hours |

**Total Hours for Technical Advisor: 800 x $50/hr= $40,000**

**Total Hours for Grant Administration= 168 x $25/hr= $4,200**

**Miscellaneous Expenses (Newsletter printing; mailing; phone, travel)= $5,800**

*** Grant Administrator will include everything from placing ads for TAs, advertising group meetings to keeping financial, phone and in-kind logs for the Board.**

## Attachment B

## Budget for Rio Colorado Reclamation Committee TAG, 2001-2003.

| Task | 3rd qtr 01 | 4th qtr 01 | 1st qtr 02 | 2nd qtr 02 | 3rd qtr 03 | 4th qtr 02 | 1st qtr 03 |
|---|---|---|---|---|---|---|---|
| 1: Review RI docs | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 2: Attend RI, RCRC mtg | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS docs | | | | | 48 hrs | 48 hrs | 48 hrs |
| 4: Review USGS work | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs | 30 hrs |
| 5: Review ROD | | | | | | | 30 hrs |
| **Sub-total, hours** | 126 hrs | 126 hrs | 126 hrs | 126 hrs | 78 hrs | 78 hrs | 108 hrs |
| **Rate ($50) x Hours** | $6,300 | $6,300 | $6,300 | $6,300 | $3,900 | $3,900 | $5,400 |
| **Grant Administration** | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| **Rate ($25) x Hours** | $600 | $600 | $600 | $600 | $600 | $600 | $600 |
| **Travel & Expenses** | $1,100 | $1,000 | $1,100 | $1,000 | $1,100 | $1,000 | $1,100 |
| **In-Kind Contribution** | $1,700 | $1,800 | $1,700 | $1,800 | $1,800 | $1,800 | $1,700 |
| **Sub-total, by quarter** | $9,700 | $9,700 | $9,700 | $9,700 | $7,500 | $7,400 | $8,800 |
| **Total (Grant + In-Kind)** | **$62,500** | | | | | | |

**Note:**

1. Travel expenses based on rate of $0.33/mile + lodging costs + $25 per diem.
2. Other expenses include printing costs for newsletter; office supplies; phone.
3. Grant administration costs: $50/hr x 4 hrs/month + one-time audit costs.
4. In-Kind Contribution Assumptions:

   Meeting space/equipment donation= $150/month x 3 months/qtr= $450/quarter

   3 Board members @ $25/hr x 6 hours/month x 3months/qtr= $1350/quarter (time donation)

EPA

EPA Project Control Number

United States Environmental Protection Agency
Washington, DC 20460

# Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to $10,000 or imprisonment for up to 5 years, or both.

KAREN ROSS DOUGLAS, MANAGING DIRECTOR

Typed Name & Title of Authorized Representative

Karen Ross Douglas

Signature of Authorized Representative

July 19, 2001

Date

☐ I am unable to certify to the above statements. My explanation is attached.

EPA Form 5700-49 (11-88)

Assistance Identification Number: _____

# CERTIFICATION — DRUG FREE WORKPLACE ACT OF 1988

The recipient certifies that it will provide a drug-free workplace by:

(a) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) establishing a drug-free awareness program to inform employees about:
   (1) the dangers of drug abuse in the workplace;
   (2) the recipient's policy of maintaining a drug-free workplace;
   (3) any available drug counseling, rehabilitation, and employee assistance programs; and
   (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) making it a requirement that each employee engaged in the performance of the project be given a copy of the statement required by paragraph (a);

(d) notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will:
   (1) abide by the terms of the statement; and
   (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such convictions;

(e) notifying the Award Official within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;

(f) taking one of the following actions, with 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
   (1) taking appropriate personnel action against such an employee, up to and including termination; or
   (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

**The recipient shall insert in the space provided below the site(s) for performance of work done in connection with the specific award**

**Place of performance** (street address, city, county, state, zip code)

RIO COLORADO RECLAMATION COMMITTEE, DOUGLAS CABINS, MILE #5 ST. RD 38, TAOS COUNTY, N.M. AND
LA CIENEGA ELEMENTARY SCHOOL
STATE RD 38
QUESTA, NEW MEXICO 87556
TAOS COUNTY

KAREN ROSS DOUGLAS
Typed Name and Title of Authorized Representative

Karen Ross Douglas July 19 2001
Signature of Authorized Representative Date

EPA Project Control Number

## CERTIFICATION REGARDING LOBBYING

## CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award of documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

KAREN ROSS DOUGLAS, MANAGING DIRECTOR

Typed Name and Title of Authorized Representative

Karen Ross Douglas — July 19, 2001

Signature of Authorized Representative — Date

# PUBLIC NOTICE

U.S. EPS Receives Letter of Intent to Apply
for the Molycrop Superfund Site
Technical Assistance Grant
Questa, New Mexico

The U.S. Environmental Protection Agency (EPA) Region 6 has received a letter of intent to apply for the Technical Assistance Grant (TAG) for the Molycorp Superfund Site. The TAG can be used to hire a technical advisor to interpret site studies and reports for area residents.

By law, only one grant of up to $50,000 may be awarded to a citizens' group at any one site. In order to ensure that recipient groups represent all community views, EPA encourages all citizens' groups interested in applying for a TAG at this site to consolidate and file a joint application. Groups that wish to join for the purposes of this grant must, by September 1, 2000, notify:

**Rio Colorado Reclamation Committee**
**c/o Karen R. Douglas**
**4601 Montano N.W., Apt. 116**
**Albuquerque, New Mexico 87120**
**505-899-0744**

Groups wishing to file a separate grant application must submit to EPA a letter of intent to file an application no later than September 1, 2000. All grant applications must be filed with EPA by October 2, 2000. Groups that require additional time to file an application may submit a written request for an extension to EPA for consideration.

Letters of intent to apply for a TAG for the Molycorp Superfund Site should be sent to:

**Beverly Negri, TAG Coordinator**
**U.S. EPA (6SF-PO)**
**1445 Ross Avenue**
**Dallas, TX 75202-2733**
**214-665-8157 or 1-800-533-3508**

The Taos News Aug. 3, 2000

# The Taos News

226 Albright Street • PO Box U • Taos, NM 87571 • Telephone 505.758.2241

**To:** Mitch Goldberg 214-871-4957
Beverly Negri

**From:** Karen Brown

**Date:** 8-14-01

FAX

**There are 2 pages, including cover page.**

**Notes:**

ATTENTION Beverly Negri

Important! The information contained in this facsimile message is confidential and intended solely for the use of the individual or entity named above. If the reader of this message is not the intended recipient (or agent responsible for delivering it to the intended recipient), please note that any unauthorized dissemination or use of this communication is prohibited. If you have received this facsimile in error, please call us at 505.758.2241. Thank you.

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Advertising Fax: 505.758.9647 • Editorial Fax: 505.751.3026

RAN 8-2-01

The U.S. Environmental Protection Agency (EPA) Region 6 has received a Technical Assistance Grant (TAG) application for the Molycorp Superfund site in Questa, New Mexico. The TAG funds can be used to hire a technical advisor to interpret site technical/scientific studies and/or site related health information for area residents.

Only one TAG for up to $50,000 may be awarded to a citizen's group at any one site. In order to fully ensure that recipient groups represent all community views, EPA encourages all citizen groups interested in applying for a TAG at this site to consolidate and file a joint application. Groups that wish to join for the purpose of this grant must by September 1, 2001, notify:

Rio Colorado Reclamation Committee
% Karen Douglas
4601 Montaño, NW
Apt. 116
Albuquerque, NM 87120
505-899-0774

Groups wishing to file a separate TAG application must submit to EPA a letter of intent (LOI) to file an application no later than the September 1, 2001, deadline. EPA must receive all TAG applications by October 1, 2001. Groups that have filed a timely LOI and require additional time to file the application may submit a written request for an application extension deadline to EPA for consideration..

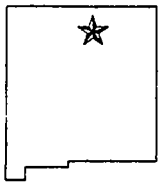
TAG letters of intent should be sent to the attention of:

Beverly Negri
TAG Coordinator
U.S. EPA (6SF-PO)
1445 Ross Avenue
Dallas, TX 75202-2733
214-665-8157 or 1-800-533-3508 (Toll-free)

# SUPERFUND SITE UPDATE

*Molycorp, Inc.*
*Questa, New Mexico*

June 22, 2000



## MOLYCORP, INC. SITE PROPOSED TO THE NPL

### *Introduction*

The U. S. Environmental Protection Agency (EPA) and the New Mexico Environment Department (NMED) are working together to investigate contamination at the Molycorp, Inc. (Molycorp) site near Questa, New Mexico. This is the first in a series of fact sheets EPA will issue to keep community members informed about the cleanup of the site.

### *NPL Listing*

The EPA proposed the Molycorp, Inc. site to the National Priorities List (NPL) of Superfund sites on May 11, 2000. The NPL is the EPA's list of uncontrolled or abandoned hazardous waste sites identified for long-term cleanup action due the potential risks posed to human health and the environment by hazardous contaminants.

### *Site Background*

The Molycorp, Inc. site is situated in Taos County, near Questa, New Mexico. The site consists of two separate areas, the mine and the tailings ponds. The mine is located 4 miles east of Questa on approximately 3 square miles of land owned by Molycorp, Inc. The tailings ponds are located 6 miles west of the mine on approximately 1 square mile of land also owned by Molycorp, Inc. The mine is surrounded by the Carson National Forest and is approximately 2 miles from the Latir Peak Wilderness Area. The Red River, which is located immediately south of the mine and tailings ponds, flows in a westerly direction into the Rio Grande River approximately 3 miles downstream of the tailings ponds. The site was proposed to the NPL because of the threat to the Red River fishery and nearby endangered species habitats from uncontrolled acidic and metal laden run-off from the mine and the tailings ponds. Contaminants of concern include metals such as arsenic, cadmium, chromium, cobalt, lead, manganese, and zinc.

**This Site Update will tell you about:**

- ✓ The History and Background of the Site
- ✓ Site Activities to Date
- ✓ Public Involvement Opportunities
- ✓ How to Get More Information About the Site

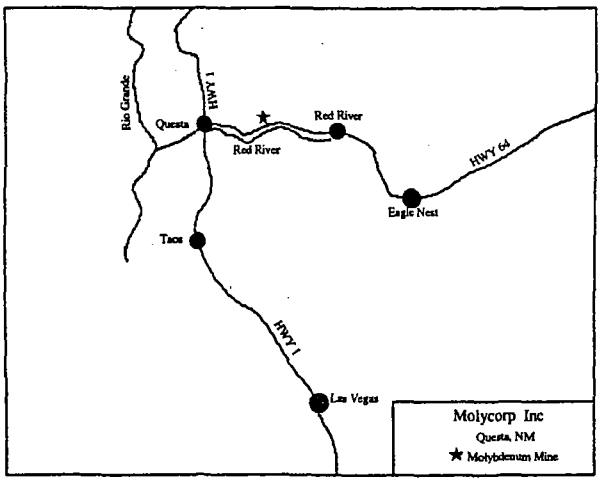
### *What Happens Next*

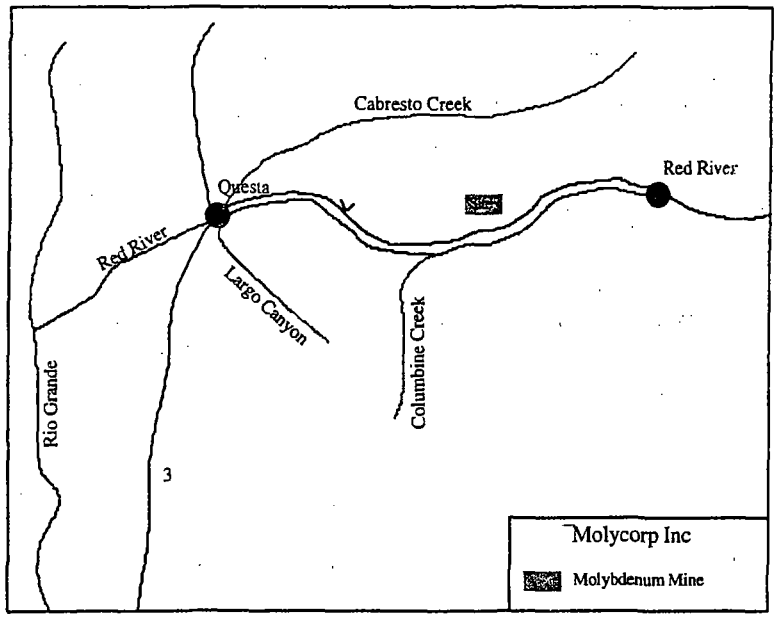
The EPA is holding an Open House on June 22, 2000 for members of the Questa community. This Open House will give community members and other interested citizens the opportunity to ask questions and express any site related concerns directly to members of the EPA Molycorp, Inc. site team. The Superfund process will also be explained, and informational handouts will be available.

**U.S. EPA Molycorp, Inc. Open House**

Date: Thursday, June 22, 2000
Time: 6:30 p.m. through 8:30 p.m.
Place: St. Anthony's Catholic Church, Parish Center
Highway 522, Questa, NM 87557

## *Site Map*




## *Additional Information*

If you have questions about the activities at the Molycorp, Inc. site, please contact:

Kathleen Aisling
Remedial Project Manager
U.S. EPA Region 6 (6SF-LT)
1445 Ross Avenue
Dallas, Texas 75202-2733
(214) 665-8509
or 1-800-533-3508 (Toll Free)
aisling.kathleen@epa.gov

Linda Rodriguez
Community Relations Coordinator
U.S. EPA Region 6 (6SF-PO)
1445 Ross Avenue
Dallas, Texas 75202-2733
(214) 665-2138
or 1-800-533-3508 (Toll Free)
rodriguez.lindam@epa.gov

Arnold Ondarza
Superfund Region 6 Ombudsman
U.S. EPA Region 6 (6SF)
1445 Ross Avenue
Dallas, Texas 75202-2733
(214) 665-6790
or 1-800-533-3508 (Toll Free)
ondarza.arnold@epa.gov

Maura Hanning
New Mexico Environment Department
1190 Francis
Santa Fe, New Mexico 87505
(505) 827-2945

Inquiries from the news media should be directed to Mr. Dave Bary, EPA Region 6 Press Officer, at (214) 665-2208.

Information about the Molycorp, Inc. site is available at the following location:

Village of Questa
2500 Old State Road 3
P.O. Box 260
Questa, New Mexico 87556
(505) 586-0694

Information can also be accessed via the U.S. EPA Internet Homepage at:

U.S. EPA Headquarters: http://www.epa.gov
U.S. EPA Region 6: http://www.epa.gov/earth1r6
U.S. EPA Region 6 Superfund Division:
http://www.epa.gov/earth1r6/6sf/6sf.htm

The EPA has available a Technical Assistance Grant for a local citizen's group to secure the services of a technical advisor to increase citizen understanding of information that will be developed about the Molycorp, Inc. site during the Superfund process. By law, only one grant for up to $50,000 may be awarded to a citizen's group at any new Superfund site. To be eligible for a grant, a group must incorporate. Also, the applicant must meet a 20 percent matching requirement, which may be in cash or donated services.

If you are interested in applying for this grant, or if you need additional information, please call or write:

**Beverly Negri**
U.S. EPA Region 6
1445 Ross Avenue (6SF-PO)
Dallas, Texas 75202-2733
(214) 665-8157
or 1-800-533-3508 (Toll Free)

If you or someone you know would like to be placed on the mailing list to receive future information about the Molycorp, Inc. site, please fill out and mail this coupon to:

Linda Rodriguez
U.S. EPA Region 6 (6SF-PO)
1445 Ross Avenue
Dallas, Texas 75202-2733

Name: _____

Affiliation: _____

Street: _____

City, State, and Zip Code: _____

For your convenience, you can also call 1-800-533-3508. Leave your name and address, as well as the site name, and we'll add you to the mailing list.

*Molycorp, Inc. Superfund Site Update*

U.S. Environmental Protection Agency
Region 6 (6SF-PO)
1445 Ross Avenue
Dallas, Texas 75202-2733

First-Class Mail
Postage and Fees Paid
EPA Permit No. G-35

*You Are Invited to a*

# U.S. Environmental Protection Agency Open House for the Molycorp, Inc. Site

You are invited to attend a U.S. Environmental Protection Agency (EPA) Region 6 Open House. At this Open House, representatives from the EPA and the New Mexico Environment Department will be available to provide information and answer your questions. All interested parties are invited to attend.

| | |
|---|---|
| **Date:** | **June 22, 2000** |
| **Time:** | **6:30 p.m. - 8:00 p.m.** |
| **Place:** | **St. Anthony's Catholic Church**<br>**Parish Center**<br>**Highway 522**<br>**Questa, New Mexico 87557** |

EPA

U.S. Environmental Protection Agency
Region 6 (6SF-P)
1445 Ross Avenue
Dallas, Texas 75202

First-Class Mail
Postage and Fees Paid
EPA Permit No. G-35

❖ Open House - Molycorp, Inc. Site ❖
❖ Thursday, June 22, 2000 ❖

# The Taos News

**To:** LINDA RODRIGIEZ

**From:** LESLIE GOMEZ

**Date:** 6·13·00

**There are** 2 **pages, including cover page.**

**Notes:**

LINDA -

HERE IS A COPY OF THE E.P.A.'s AD TO RUN 6/15/00. PLEASE CALL/FAX CHANGES BY 5:00PM (MT). THANKS!

LESLIE

The Taos News • 226 Albright Street • P.O. Box U
Taos, NM 87571 • Telephone (505) 758-2241
Advertising Fax: (505) 758-9647 • Editorial Fax: (505) 751-3026

## Document Readers

# Commitment Notice

## Title: TAG - Molycorp Mining Site

### Document Status

**Document Phase:** Final
**Last Modified:** 08/21/2002
**Current Editor:** Beverly Negri
**Previous Editor:** Helen Newman

### Commitment Notice Information

**Grant Number:** 98687101-0

**Commitment Amt:** $50,000
**Commitment Type:** Original Commitment
**Agreement Type:** Grant Agreement

**Applicant Name:** NM RioColor - Rio Colorado Reclamation Committee
**GICS Program:** 1 - Superfund Technical Assistance for Citizen Groups at Priority Sites
**Employer EIN:** 02-0621117

**Location Funded:** EPA R6
**Responsibility Ctr:** 06A
**Allowance Holder:** 06A

**Is Contract Negotiator Allowed to exceed amount shown above by up to 10% without seeking further approval for:**

**Allowed to Exceed:** No

**Description Of Project, Goods, or Services**

**Description:** TAG recipient will hire a Technical Advisor (TA) who will review all site related documents and interpret the documents for the community and explain the nature of the hazard. The TA will then provide EPA information on the community concerns. The EPA will review the input and consider the community input into EPA decision.

**Track, Roam, or Other Local Identifier**

**Identifier:**

**Special Comments and Instructions**

**Comments:**

### Commitment Notice Document Attachments

**Attachments:**

ACTION: R SCREEN: REQL USERID: HVNV 08/21/02 03:12:44 PM
*** REQUISITION ACCOUNTING LINE INQUIRY TABLE ***
KEY IS TRANS CODE, REQ NO, LINE NO

TRANS CODE: RQ REQ NO: 026ASGR018

01- LINE NO: 001 BFY: 2002 APPR: T RPIO: 06
BUDGET ORG: 6AS0P PE: 50102D LINE AMT: 50,000.00
COST ORG: C001 SITE/PROJ: 06DLTG00 CLOSED AMT: 0.00
BOC: 4185 RPTG CATG: OBLG AMT: 0.00
LAST CHG STATUS: DESCRIPTION: MOLYCORP TAG - B NEGRI
02- LINE NO: BFY: APPR: RPIO:

### Fiscal Information

| Line | Site Name | PGM | Fiscal Yr | Approp Code | BO Code | PE | Cost Case | Amount | Site/Project | Cost Org Code |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | MOLYCORP | SGR018 | 02 | T | 6AS0P | 50102D | 4185 | 50,000 | 06DLTG00 | C001 |
| | | | | | | | | 50,000 | | |

### Review

**Read Access:** Controlled
**Readers:** Karen Bond
Kathy Gibson
Beverly Negri

**Submitted:**

**Approvers:** Carlene Chambers

**Submitted:** 08/01/2002

**Due Date:** 08/09/2002

| Response | Approver | Date |
|---|---|---|
| Approve | Carlene Chambers | 08/06/2002 |

**Fund Certifying Official Signature**

**Fund Certif Official:** Helen Newman

**Title:** Fund Certifying Official **Phone:** 214-665-6657

**Delegate:** Dessie Denmon

**Title:** ? **Phone:** 214-665-2225

Fund Certifying Official Signature: - Signed by Helen Newman/R6/USEPA/US on 08/21/2002 02:18:15 PM, according to /R6/USEPA/US

**Project Officer**

**Project Officer:** Beverly Negri **PO Phone:** 214-665-8157

**Associated Funding Recommendation**

| Funding Recommendation Name | Amount | Recommendation Status |
|---|---|---|
| TAG - Molycorp Mining Site | $50,000 | Associated |

**Origination Information**

**Created By:** Beverly Negri **on** 08/01/2002

**Organization:** EPA R6

Rec'd in 6m-PO
8/22/02

Document Readers

# EPA Funding Recommendation

## Title: TAG - Molycorp Mining Site

**Document Status**

**Document Phase:** Final
**Last Modified:** 08/21/2002
**Current Editor:** Beverly Negri
**Previous Editor:** Myron Knudson

**Project Information Section**

**Grant Number:** 98687101-0
**Grant Type:** Non-Construction
**Action Type:** New
**Applicant Name:** NM RioColor - Rio Colorado Reclamation Committee
**Project Title:** TAG - Molycorp Mining Site
**CFDA:** 66.806 - Superfund Technical Assistance Grants
**Statutory Auth:** CERCLA: Sec. 117(E)
**Delegation Of Auth:** 14-24 Grants for Technical Assistance / Sec. 117(e)
**Media:** Superfund
**PPG ?** No
**GICS Program:** 1 - Superfund Technical Assistance for Citizen Groups at Priority Sites
**Project Period Start:** 10/01/2002
**Project Period End:** 09/30/2005
**Budget Period Start:** 10/01/2002
**Budget Period End:** 09/30/2005

**Project Description:** TAG recipient will hire a Technical Advisor (TA) who will review all site related documents and interpret the documents for the community and explain the nature of the hazard. The TA will then provide EPA information on the community concerns. The EPA will review the input and consider the community input into EPA decision.

**Project Justification and Characteristics Section**

**Justification:** This grant is awarded under the TAG program, 40 CFR Part 35. As required, the recipient is a nonprofit incorporated group affected by the contamination at the site. The site is proposed to the NPL and EPA has started a response action at the site.
*(Attach additional information above.)*

**Recommendation:** Yes

**Research:** No

**Invention:** No

**Compliance:** Yes

**Competitive:** No

**Explanation:** 1. Competition excluded by statute or by Congressional intent

**Attachments:**
*(Attach additional information above.)*

**Earmark:** No

**Measurement:** No

PRCs: No

Human Subjects: No

Animal Subjects: No

Outside US: No

Program Income: No

**Funding Recommendations Attachments**

Attachments: IGMSFrec.wpd QAcert.wpd funding-restriction.wp

**Project Funding**

| | | |
|---|---|---|
| 1. Personnel | $0 | |
| 2. Fringe Benefits | $0 | |
| 3. Travel | $0 | |
| 4. Equipment | $0 | |
| 5. Supplies | $1,400 | - Fed |
| 6. Contractual Personal Services | $58,450 | 48,600 Fed |
| 7. Construction | $0 | |
| 8. Other | $2,650 | - non-Federal |
| 9. Total Direct Costs | $62,500 | |
| 10. Indirect Costs<br>IDC Rate % Base $ | $0 | |
| 11. Total | $62,500 | |
| 12. Total Requested Amount | $50,000 | |
| Total Request To Fund Amount | $50,000 | |

Full

statute

No

**Programmatic Special Conditions**

**Review**

Read Access: Controlled

Readers: Karen Bond, Kathy Ketcher, Beverly Negri

Submitted:

Approvers: Walt Helmick, Donald Johnson, Betty Williamson

Submitted: 08/01/2002

Due Date: 08/09/2002

| | | |
|---|---|---|
| Approve | Walt Helmick | 08/01/2002 |
| Approve | Donald Johnson | 08/05/2002 |
| Approve | Betty Williamson | 08/21/2002 |

**Associated Commitment Notices**

| | | |
|---|---|---|
| TAG - Molycorp Mining Site | $50,000 | Associated |

**Commitment Clerk**

**Commitment Clerk:** Beverly Negri

**Title:** Commitment Clerk **Phone:** 214-665-6657

**Approval Official Signature**

**Approval Official:** Myron Knudson

**Title:** Director Superfund Division (6SF) **Phone:** 214-665-6701

**Delegate:** Pam Phillips

**Title** Deputy Director, Superfund Division **Phone** 214-665-6701

Approval Official Signature: - Signed by Pam Phillips/R6/USEPA/US on 08/21/2002 01:29:12 PM, according to /USEPA/US

**Grant Specialist**

**Grant Specialist:** Darlene Coulson

**Title:** Grants Specialist **Phone:** 214-665-7455

**Submitted:**

**Origination Information**

**Created By:** Beverly Negri **on** 07/31/2002

**Organization:** EPA R6

Document Readers

# Commitment Notice

## Title: TAG - Molycorp Mining Site

**Document Status**

**Document Phase:** Final
**Last Modified:** 08/21/2002
**Current Editor:** Beverly Negri
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**GICS Program:** 1 - Superfund Technical Assistance for Citizen Groups at Priority Sites
**Employer EIN:** 02-0621117

**Location Funded:** EPA R6
**Responsibility Ctr:** 06A
**Allowance Holder:** 06A

**Allowed to Exceed:** No

**Description:** TAG recipient will hire a Technical Advisor (TA) who will review all site related documents and interpret the documents for the community and explain the nature of the hazard. The TA will then provide EPA information on the community concerns. The EPA will review the input and consider the community input into EPA decision.

**Identifier:**

**Comments:**

**Commitment Notice Document Attachments**

**Attachments:**

```
ACTION: R  SCREEN: REQL USERID: HVNV
08/21/02  03:12:44 PM
                    *** REQUISITION ACCOUNTING LINE INQUIRY TABLE
***
 KEY IS TRANS CODE, REQ NO, LINE NO


 TRANS CODE: RQ          REQ NO: 026ASGR018


 01- LINE NO: 001 BFY: 2002        APPR: T              RPIO:
06
          BUDGET ORG: 6ASOP          PE: 50102D     LINE AMT:
50,000.00
            COST ORG: C001    SITE/PROJ: 06DLTG00 CLOSED AMT:
0.00
                 BOC: 4185    RPTG CATG:             OBLG AMT:
0.00
     LAST CHG STATUS:        DESCRIPTION: MOLYCORP TAG - B NEGRI

 02- LINE NO:      BFY:            APPR:                RPIO:
```

**Fiscal Information**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | MOLYCORP | SGR018 | 02 | T | 6ASOP | 50102D | 4185 | 50,000 | 06DLTG00 | C001 |

50,000

## Review

**Read Access:** Controlled
**Readers:** Karen Bond, Kathy Gibson, Beverly Negri
**Submitted:**

**Approvers:** Carlene Chambers
**Submitted:** 08/01/2002
**Due Date:** 08/09/2002

| Approver | Approval Date | Comments |
|---|---|---|
| Approve | Carlene Chambers | 08/06/2002 |

## Fund Certifying Official Signature

**Fund Certif Official:** Helen Newman
**Title:** Fund Certifying Official
**Phone:** 214-665-6657
**Delegate:** Dessie Denmon
**Title:** ?
**Phone:** 214-665-2225

Fund Certifying Official Signature: - Signed by Helen Newman/R6/USEPA/US on 08/21/2002 02:18:15 PM, according to /USEPA/US

## Project Officer

**Project Officer:** Beverly Negri
**PO Phone:** 214-665-8157

## Associated Funding Recommendation

| Site | Amount | Status |
|---|---|---|
| TAG - Molycorp Mining Site | $50,000 | Associated |

## Origination Information

**Created By:** Beverly Negri on 08/01/2002
**Organization:** EPA R6

**Document Readers**

# *Approver Response - Donald Johnson*

**Re:** TAG - Molycorp Mining Site ->

**Approver Input**

**Visibility:** Controlled

**Response:** Approve

**Overview:**

**Detail:**

**Attachment:**

**Origination Information**

**Created By:** Donald Johnson **on** 08/05/2002

**Organization:** EPA R6

molycorp

**Superfund Technical Assistance Grants (TAG)**
**Region 6 - Dallas, TX**

| TAG Name (Superfund Site) | Grant # | Use ASAP | Reason for Denial |
|---|---|---|---|
| Serious Texans Against Nuclear Dumping, Inc. (Pantex Plant) | 1-98640001-0 | yes | |
| Local Environmental Action Demanded Agency, Inc. (Tar Creek) | 1-98672301-0 | no | continues to need extensive assistance with completion of all reporting requirements and RFRs |
| Albuquerque San Jose Community Awareness Council (AT & SF - Albuquerque) | 1-98626801-0 | no | frequent staff turnover resulting in need by EPA to retrain new staff; some difficulties in recognizing allowable expenses; TAG record keeping concerns |
| Downtown Action Team Inc. (Fruit Avenue Plume) | 1-98695901-0 | no | multiple changes in staffing; lack of grant reporting and fiscal management knowledge |
| Caddo Lake Institute, Inc. (Longhorn Army Ammunition Plant) | 1-98671701-0 | yes | |
| Washington Heights Environmental Coalition, Inc. (Hudson Refinery) | 1-98677501-0 | no | lack of grant management skills; cannot prepare required EPA reports/forms and RFR's correctly |
| Plainview Chamber of Commerce (Mountain Pine Pressure Treating) | 1-98690101-0 | No | lack of grant management and fiscal accounting skills; |

| | | | |
|---|---|---|---|
| Calcasieu League for Environmental Action Now (North Ryan) | 1-98658201-0 | No | No progress made, or intent to do so, to utilize grant funds. No activity in 1-1/2 years (awarded 1/24/01) Repeated EPA effort made to assist grantee in TAG activities has failed. |
| Rio Colorado Reclamation Committee (Molycorp Mine, Inc.) | Pending | No | too new; TAG management skills unknown |
| El Rio Arriba Environmental Health Association (North Railroad Avenue Plume) | 1-98661201-0 | No | frequent association staff changes - no continuity; lack of management skills; Technical Advisor work done and billing for TAG reimbursement before grant awarded; staff has received and continues to need extensive training on how to manage TAG. |
| Mothers for Clean Air (Many Diversified Interests) | 1-98672501-0 | No | frequent association staff changes - no continuity; lack of required TAG deliverables |
| | | | |

It is important to note that all Region 6 TAG recipients have extensive and frequent contact with the TAG Project Officer and TAG Assistant. All have been provided TAG administration training opportunities. When a Region 6 TAG is awarded, as a part of the award document, a list of TAG deliverables is provided to the awardees. A TAG folder containing blank copies of all required award reports, including RFRs, is sent to the new awardees.

7/18/02
c:ASAP TAGs

June 5, 2002

Beverly Negri
6 SF-PO
USEPA Region 6
1445 Ross Ave.
Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri:

I am submitting a revised application for a Technical Assistance Grant (TAG) for the Molycorp molybdenum mine site east of Questa, New Mexico on behalf of the Rio Colorado Reclamation Committee (RCRC). This citizens' group has formed to gather and disseminate information on the RI/FS Superfund process that will be collecting data and evaluating remedies at the Molycorp mine over the next two years. The RCRC is seeking a TAG for $50,000 to begin work in August 2002. All application materials and a completed check list are enclosed. This application incorporates comments made by you and Mark Purcell over the past 8 months.

The Rio Colorado Reclamation Committee was formed by several concerned local citizens in the fall of 2000 to begin educating its members and the general public about environmental issues associated with the Molycorp molybdenum mine perched above the Red River 5 miles east of Questa. For many years, local residents and property owners have voiced concerns about the effects of the Molycorp mine on the environment and, in some cases, their health. Until recently little attention was paid to these concerns. In the past year, however, the State of New Mexico (Environment Department and Mining and Minerals Division), US EPA, and local groups like Amigos Bravos have made significant progress in working with Molycorp to develop a process that will collect information on a wide variety of technical subjects. This information will ultimately be used to identify areas requiring cleanup on, and possibly off, the mine.

The RCRC is prepared to accept the terms of the TAG as specified in EPA guidance documents. The Chairman and Board of Directors have agreed to abide by the financial and administrative policies of EPA, Region 6, with the understanding that the RCRC be allowed to use its own discretion in spending TAG funds to communicate complex technical information to the public.

Due to the beginning of the RI/FS process in the summer of 2002, we would appreciate the expedited processing of this application. The members of the Rio Colorado Reclamation Committee look forward to working with you and other EPA staff in the future.

Sincerely,

Rachel Conn

(Note: Rachel Conn wants to sign award, RFRs, etc. see comments on Key Contact list) 2 people signing docs.

Program Director
Rio Colorado Reclamation Committee

if you have further questions please call me at 505-751-7009.

EPA ACKNOWLEDGEMENT FOR RECEIPT OF APPLICATION

Please complete the applicant information shown below if the applicant wishes EPA to acknowledge receipt of your application.

TO BE COMPLETED BY APPLICANT

Date of Application: 6/6/02

Project Title: Technical Assistance at Molycorp Inc, Questa NM Mine site

TO BE COMPLETED BY EPA

Date Application Received: 6/7/02

U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
(6MD-RX)

(Applicant, please type name/return address)

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM, 87556

JUL 26 2002

Mr. Peter Maggiore
Cabinet Secretary
New Mexico Environmental Department
Harold Runnels Building
1190 St. Francis Drive
Santa Fe, NM 87502-6110

Dear Mr. Maggiore:

Thank you for your letter dated June 28, 2002, concerning the Molycorp Questa Mine site. I appreciate your interest in the site's Superfund activities and the related Technical Assistance Grant (TAG) process. You indicated city of Questa government officials are concerned that they do not have an effective means of "overseeing" and participating in the technical decisions that have potential to impact their community.

While the Region 6 TAG Project Officer has no record of having discussed TAG opportunities with any Questa city officials, you and they are correct in stating that the Questa city government is not eligible for a TAG at a Superfund site. Impacted community groups are not eligible for a TAG if they are a political subdivision - for example, a township or municipality (40CFR §35.4020 (b)(5), TAG Rule, October 2, 2000). Once the final TAG award has been made, the TAG Project Officer will inform the TAG recipient of your interest in the site activities.

Although the Questa city government is not eligible for a TAG, it will be provided an opportunity to participate in the United States Environmental Protection Agency's (EPA) technical activities at the site, including the remedial investigation and feasibility study (RI/FS) and any proposed cleanup by the EPA. First, the EPA plans on holding several open houses or public meetings in Questa during the RI/FS to provide updates of the activities and seek input from the community. The first of these meetings will be scheduled prior to the start of field work to present a summary of the work plans developed for the site, including the nature of the investigation and locations/types of sampling to be performed. This will allow the Questa community, including the city officials, to be involved in the investigation from the outset. The EPA will have technical experts at the open house to answer any questions and comments regarding the RI/FS.

6SF-P:Negri:pp:x8157:7-17-02

| Williamson | Purcell | Stenger | Buzzell | Knudson | Augurson | Sheehan | Gray |
|---|---|---|---|---|---|---|---|
| 6SF-P | 6SF-L | 6SF-L | 6SF | 6SF | 6OEJ | 6RC | 6XA |
| 7-17-02 | 7-18-02 | 7/18/02 | | | | 7/25/02 | 7/25/02 |

(1) Per LSF suggestion, ORA-DJ will

The EPA also plans to conduct several interviews with Questa city officials and other concerned citizens to help us understand the community's needs and concerns related to the site and the performance of the RI/FS.

Further, the EPA will place a copy of the FI/FS work plans in the information repositories it has established for the site so that interested parties may have an opportunity to review the work plans prior to meeting with EPA officials. The repositories include the Village of Questa Buildings, located at 2500 Old State Road 3 in Questa.

Finally, following the completion of the RI/FS, the EPA will make available to the community a proposed plan which describes the remedial alternatives considered and the preferred response action for the site. The EPA will also hold a public meeting in Questa to present the proposed plan and provide the community an opportunity to submit written and oral comments on the plan. This will provide the Questa city officials an opportunity to be involved in the technical decisions being made regarding the site. The EPA will prepare written responses to comments received on the proposed remedy.

In so far as the availability of other EPA funds that might be made available to local governments, we recommend that the city officials review EPA's brownfields program webpage at http://www.epa.gov/brownfields for information.

If you have any questions, please call me or your staff can call Beverly Negri, Superfund Community Involvement Team Leader, at 214-665-8157.

Sincerely yours,

/S/ Gregg A. Cooke

Gregg A. Cooke
Regional Administrator

cc: The Honorable Charlie I. Gonzalez
Mayor of Questa

**Beverly Negri**

07/08/2002 05:34 AM

To: Mark Purcell/R6/USEPA/US
cc:
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: TAG Application Molycorp

1) The first TAG a group receives for a site has a budget of only $50,000 and a project period of 3 years. Usually it takes a TAG recipient group about 6 months to 1 year to get fully up and running - advertize and hire a Technical Advisor (TA), get Administrative staff training and then get into the grove of doing business, etc.. So projecting a 2 year TA work plan for actually review and reporting is pretty accurate if you add on the upfront "getting started" time. The timeline isn't cast in stone and if it needs to slid it is OK for the recipient to do so as long as they are working and accomplishing the planned deliverables. If they are on track and working diligently with the initial TAG award and they apply for a 2nd TAG, the 2nd TAG budget and project period can be considerably larger and longer.

2) When I write the TAG Decision Memo, I add deliverables that I glean form the Narrative Statement. I always add that copies of all reports, summaries, notices, etc. are to also be provided to the EPA.

I'll call Ms. Conn this week and tell her of our changes and recommendations. Thanks for your review.

Beverly
Mark Purcell

**Mark Purcell**

07/05/2002 02:59 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: TAG Application Molycorp

Beverly,

I have reviewed the TAG application for the Molycorp site and have a couple of comments.

1) When I was working with Karen Douglas to plan out RI/FS activities, we did not yet have a schedule with Molycorp. Since then, a schedule has been prepared which shows nearly a four-year period for the RI/FS and ROD (RI - 2.5 years; FS - 0.5 years; Proposed Plan/ROD - 9 months). The TAG activities are only for two years. Does it have to be limited to two years? If not, then the TAG schedule and hours need revision.

2) Shouldn't the application state somewhere that copies of all reports, summaries, notices, newspaper articles provided to the community shall also be provided to the EPA ? As written, it only states that quarterly reports will be submitted to EPA (unless I'm missing something).

Please let me know how we should proceed.

Mark

June 24, 2002

RECEIVED
EPA REGION VI
02 JUN 27 PM 2:37
PROGRAMS MGMT BRANCH

Beverly Negri
6 SF-PO
USEPA Region 6
1445 Ross Ave.
Suite 1200
Dallas, TX 75202-2733

Dear Ms. Negri:

I am glad I was able to reach you before you left on vacation. I have gathered the information that was missing from our application for technical assistance at the Molycorp Inc., Questa mine site:

1: Our EIN number 02-0621117
2: A letter from Roberto Vigil confirming that I have signatory power for the organization (enclosed).
3: A copy of the comments from the state single point of contact (enclosed).
4: The revised budget form (enclosed).

Please let me know if you need anything else. I hope you had a relaxing vacation. I leave on my vacation in a couple of days. I will be back home on July 15th.

Sincerely,

Rachel Conn

Rachel Conn
Program Director
Rio Colorado Reclamation Committee

# STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
Bataan Memorial Building, Suite 201 • Santa Fe, New Mexico 87501
(505) 827-4950 • FAX No. (505) 827-4948
www.nmlocalgov.net

GARY E. JOHNSON
GOVERNOR

HAROLD G. FIELD, II
SECRETARY

JEFF CONDREY
DIRECTOR


June 19, 2002

Rio Colorado Reclamation Committee
P. O. Box 637
Questa, NM 87556

**APPLICATION:** Technical Assistance at Molycorp., Inc. Questa, NM site

**CFDA NUMBER:** 66.806

**SAI NUMBER:** **NM990419403**

Dear Ms. Rachel Conn:

In accordance with Federal Executive Order 12372 and State Executive Order 83-73, your application for federal assistance has been reviewed through the New Mexico single Point of Contact. Your application, CFDA number 66.806, is SUPPORTED and has been assigned SAI number **NM990419403.** The state's support is based on your application as presented for review; review of your application did not extend to verification of information or representations made in the application.

A copy of this letter should be forwarded to the federal funding agency as an indication of the state's review and support. In any correspondence with the state or the federal agency, please remember to always refer to your SAI number **NM990419403.** Also, the state procedures require you to inform this office should your application result in a federal financial award. You should send one (1) copy of your Notice of Grant Award (NGA) or similar documentation. Again, always reference your assigned SAI number **NM990419403.**

Congratulations on your successful application review.

Sincerely,

Ken Hughes

Ken Hughes, SPOC
Executive Program Analyst, LGD

KH:fm

# BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-00-

## SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. Technical Assistance Grant at Molycorp Questa Mine | 66-806 | $ | $ | $ 50,000 | $ 12,500 | $ 62,500 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. Totals | | $ | $ | $ 50,000 | $ 12,500 | $ 62,500 |

## SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | Total |
|---|---|---|---|---|---|
| | (1) Federal | (2) In-kind | (3) | (4) | (5) |
| a. Personnel | $ | $ | $ | $ | $ — |
| b. Fringe Benefits | | | | | — |
| c. Travel | | | | | 3 ~~6,000~~ |
| d. Equipment | | | | | — |
| e. Supplies | 3,400 | | | 3 | 3,400 |
| f. Contractual | 46,600 | 9,850.00 | | 56,450 | ~~52,450~~ |
| g. Construction | | | | | — |
| h. Other meeting space | | 2,650.00 | | | 2,650 |
| i. Total Direct Charges *(sum of 6a-6h)* | 50,000 | 12,500.00 | | | — |
| j. Indirect Charges | 0 | | | | — |
| k. TOTALS *(sum of 6i and 6j)* | $ 50,000 | $ 12,500 | $ | $ | $ 62,500 |
| 7. Program Income | $ | $ | $ | $ | $ |

Authorized for Local Reproduction

Standard Form 424A

**Roberto Vigil**
**P.O. Box 333, Questa, NM 87556**

To Whom It May Concern:

I am writing to confirm that Rachel Conn, the Vice Chair/Project Director of the Rio Colorado Reclamation Committee will have the signatory power for all documents related to the TAG grant for the Rio Colorado Reclamation Committee.

Thank you for considering our grant application. We look forward to hearing from you.

Sincerely,

Roberto Vigil
Chair
Rio Colorado Reclamation Committee

**Beverly Negri**

06/17/2002 03:20 PM

To: Mark Purcell/R6/USEPA/US@EPA, Paul Witthoeft/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA, Darlene Coulson/R6/USEPA/US@EPA
Subject: Molycorp Mine Site Technical Assistance Grant Application

MEMORANDUM

TO: Mark Purcell
Paul Witthoeft

FROM: Beverly Negri
Technical Assistance Grant (TAG) Project Officer

SUBJECT: TAG Application
Molycorp Mining Site

I will provide to you tomorrow a hardcopy of TAG application from the Rio Colorado Reclamation Committee for the Molycorp Mine site. Please carefully review the **Project Narrative Statement** and the **Statement of Work for the Technical Advisor** and let me know if they are appropriate and relate to the projected environmental remediation work. The Grants Management Administration has reviewed all of the other administrative documents and determined that all of the requirements except for the EIN number and the SPOC response letter are present. It has been noted that several of the projected budget items are unallowable and contact will be made with the potential grantee to correct this information.

I would appreciate your review of, and feedback on, this TAG application by July 3, 2002. This time frame will allow me to direct the applicant to make any needed changes that you request, then complete the Decision Memorandum and forward it to Grants Management Administration for awarding before the August 1, 2002 cutoff deadline. Thank you for your assistance in this matter. If you have any questions, please call me at x-8157.

## Attachment A

## Statement of Work for Technical Advisor

## Rio Colorado Reclamation Committee

The following tasks have been identified for the Technical Advisor for the Rio Colorado Reclamation Committee. A narrative description of each task follows. Table A-1 summarizing these tasks and the timeframe during which they are expected to occur follows the narrative.

**Task 1:** Review, comment on, and interpret documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report.

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2002. The Technical Advisor (TA) is expected to spend from 18-20 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the RI documents and at other times the TA will spend little or no time on this task.

**Deliverables:** The TA will produce short summary reports or memos for each major document generated during the RI process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

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**Task 2:** Attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, and the public. Keep notes of meetings and summarize at RCRC meetings and in the RCRC newsletter.

**Timeframe:** Technical meetings are expected to be held for 1-3 days each month. Thus an average of 16 hours per month is being budgeted for this task over the two-year period beginning in August 2002.

**Deliverables:** The TA will provide a short written summary of each technical meeting at RCRC meetings and in the quarterly newsletter produced by RCRC.

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**Task 3:** Review, comment on, and interpret documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated

local communities. Significant numbers of tourists used to stay in Questa and fish the Red River and engage in other recreational activities. Now that the Molycorp mine has destroyed the fishery, local residents have lost potentially large revenues from tourists.

***Project Narrative Statement* (continued)**

Effects to the fishery in the Red River have been devastating, with a complete loss of a viable population of trout in the stream. Some members of the RCRC have been voicing concerns about the Molycorp mine for 30 years.

Environmental impacts from the Molycorp mine are believed to be significant. However, lack of cooperation on the part of the mine and a lack of hard data have made an accurate assessment of these impacts difficult. The mine clearly has impacts on the Red River. In addition, a large subsidence area on the mine will cause long-term site access problems, groundwater contamination, and safety concerns. The mine has a long history of air and water pollution in addition to tailing spills that have severely impacted *acequias* and arable land, thus resulting in a loss of income and added expenses to property owners. Some property owners along the Red River have had to haul in drinking water due to contaminated wells. Business opportunities and property values have been directly impacted by the environmental degradation of the community. Some group members whose wells have been contaminated have been forced to stop renting their properties, resulting in economic losses. Other members can no longer safely grow organic vegetables, another source of income. Other long-term concerns include the instability of large waste rock dumps hanging on steep slopes above the Red River and the highway.

**Section 2 -Statement of Work for the Technical Advisor**

**A. Statement of Work: Please identify the technical advisor(s)' tasks for each phase of the Superfund process. For each of these phases, please note what the technical advisor will do, the estimated amount of time needed to complete each task, and specific documents, reports, or other tangible work products you expect the technical advisor to produce.**

See attached Statement of Work (Attachment A).

**B. Detailed Budget: Prepare a budget for the technical assistance project. Indicate the tasks to be completed by the technical advisor, the estimated number of hours, and the cost for each task (including travel costs). Use footnotes to explain assumptions made in the budget (such as hourly rate of advisor or adjustments for inflation). This budget should identify everything that you expect to purchase with grant funds.**

**The budget should show the amount of the group's matching contribution separately from federal funds. Note that the grant funds (usually 80 percent) plus group contribution (usually 20 percent) must equal the total project costs; grant funds cannot exceed 80 percent of project costs for any budget period. In your statement, be sure that you differentiate cash expenditures from in-kind contributions. Also, include explanations of the assumptions made in calculating the value of in- kind contributions.**

See attached budget (Attachment B).

**Timeframe:** These documents are expected to be produced over a one-year period beginning in August 2003. The Technical Advisor (TA) is expected to spend an average of 20 hours each month reviewing and interpreting the various documents. This estimate is an average; during some months the TA will spend 20-30 hours reviewing and interpreting the FS documents and at other times the TA will spend little or no time on this task.

**Deliverables:** The TA will produce short summary reports or memos for each major document generated during the FS process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

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**Task 4:** Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final report and write summary for the RCRC. Give regular updates on the status of this study to the RCRC and write short updates on this activity in the RCRC newsletter. -12

3 copies of all newsletters to EPA & repositories

**Timeframe:** The field studies and data collection for this report will be done during 2002-2003. The final report will be written and submitted in the spring of 2004. Consequently, this task may extend beyond the two-year period of the initial TAG. The TA is expected to spend an average of 8 hours each month reviewing and commenting on the data collection and draft reports from the USGS.

**Deliverables:** Short written summaries of the data collection and draft reports will be included in the RCRC quarterly newsletter, in addition to regular progress reports made orally to the RCRC.

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**Task 5:** Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site.

13 14

**Timeframe:** The ROD is expected to be done in the spring of 2004. Reviews and comments on the draft and final ROD will take 30 hours.

**Deliverables:** The TA will prepare written comments on the ROD on behalf of the RCRC. The TA will also provide oral comments at the RCRC meetings in 2004 and written comments in the RCRC newsletter in the spring of 2004.

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**Task 6:** Grant Administration.

**Timeframe:** Each quarter beginning with the (projected) receipt of the TAG in the third quarter of 2002 and ending with the (projected) last quarter of the grant in the second quarter of 2004.

**Deliverables:** Quarterly reports will be submitted to the EPA, including all invoices and expenses incurred during the quarter.

**Table A-1: Tasks and Estimated Time for Work of Technical Advisor under Rio Colorado Reclamation Committee TAG.**

| Task | 3rd Qtr 2002 | 4th Qtr 2002 | 1st Qtr 2003 | 2nd Qtr 2003 | 3rd Qtr 2003 | 4th Qtr 2003 | 1st Qtr 2004 |
|---|---|---|---|---|---|---|---|
| 1: Review RI documents | 60 hrs | 60 hrs | 60 hrs | 60 hrs | | | |
| 2: Attend RI mtgs; RCRC mtgs; prepare RCRC newsletter | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS documents; prepare RCRC newsletter | | | | | 60 hrs | 60 hrs | 50 hrs |
| 4: Review docs & attend mtgs on USGS study on baseline water quality | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| 5: Review and comment on ROD | | | | | | | 30 hrs |
| 6: Grant administration | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs (+ 10 hrs audit) |
| Hourly Sub-total by quarter | 144 hours | 144 hours | 144 hours | 144 hours | 96 hours | 96 hours | 126 hours |

**Total Hours for Technical Advisor: 772 x $50/hr= $38,600**

**Total Hours for Grant Administration= 140 x $25/hr= $3,500**

**One-time CPA audit: $50/hr x 10 hrs= $500**

**Miscellaneous Expenses (Travel, lodging, per diem, newsletter printing; mailing; phone, post office box rental)= $7,400**

## Attachment B

## Budget for Rio Colorado Reclamation Committee TAG, 2002-2004.

| Task | 3rd qtr 02 | 4th qtr 02 | 1st qtr 03 | 2nd qtr 03 | 3rd qtr 03 | 4th qtr 03 | 1st qtr 04 |
|---|---|---|---|---|---|---|---|
| 1: Review RI docs | 56 hrs | 56 hrs | 56 hrs | 56 hrs | | | |
| 2: Attend RI, RCRC mtgs | 48 hrs | 48 hrs | 48 hrs | 48 hrs | | | |
| 3: Review FS docs | | | | | 56 hrs | 56 hrs | 50 hrs |
| 4: Review USGS work | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs | 24 hrs |
| 5: Review ROD | | | | | | | 30 hrs |
| 6: Grant Administration | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs | 12 hrs |
| **Technical Advisor (TA)** | | | | | | | |
| **Sub-total, hours** | 128.00 | 128.00 | 128.00 | 128.00 | 80.00 | 80.00 | 104.00 |
| **Rate ($50) x Hours** | 6,400.00 | 6,400.00 | 6,400.00 | 6,400.00 | 4,000.00 | 4,000.00 | 5,200.00 |
| **Grant Administration (GA)** | | | | | | | |
| **Sub-total, hours** | 20.00 | 20.00 | 20.00 | 20.00 | 20.00 | 20.00 | 20.00 |
| **Rate ($25) x Hours** | 500.00 | 500.00 | 500.00 | 500.00 | 500.00 | 500.00 | 1,000.00 |
| | | | | | | | ***Audit** |
| **Travel & Expenses** | $1,100.00 | $1,000.00 | $1,100.00 | $1,000.00 | $1,100.00 | $1,000.00 | $1,100 |
| **In-Kind Contribution** | $2,100.00 | $1,700.00 | $1,700.00 | $1,700.00 | $1,700.00 | $1,700.00 | $1,700 |
| **Sub-total, by quarter** | $ 10,100.00 | $ 9,600.00 | $ 9,700.00 | $ 9,600.00 | $ 7,300.00 | $ 7,200.00 | $9,000.0 |
| **Total (Grant + In-Kind)** | **$62,500** | | | | | | |

**Note:**

1. Projected travel expenses based on rate of $0.33/mile + lodging costs + $25 per diem.

2. Other projected expenses include printing costs for newsletter; office supplies; phone; post office box rental.

3. Grant administration costs: $25/hr x 4 hrs/month + one-time CPA ***audit** costs of $500 in 2nd quarter of 2004.

4. In-Kind Contribution Assumptions:

   The larger inkind amount for the first quarter is due to anticipated donation of legal services (at $125 a hour) to draft the TA and Grant Administrators contracts.

   Meeting space/equipment donation: $150/month x 3 months/qtr= $450/quarter

   6 Board members @ $25/hr x 3 hours/month x 3 months/qtr= $1350/quarter (time donation)

# Technical Assistance Grant
# Application Submittal Checklist

✓ 1. EPA Acknowledgment for Receipt of Application

✓ 2. SF-424, 424A, 424B, including class categories worksheet and Assurances form.

✓ 3. Project Narrative Statement (including Statement of Work for Technical Advisor, detailed budget for project period). Prepared in accordance with guidance provided by your EPA Project Officer.

rec'd change by letter ✓ 4. Key Contact Form

rec'd 6/27 Need response ✓ 5. Clearinghouse comments or copy of letter showing application sent to State Single Points of Contact (Required by all Region 6 States) 6/6/02 ✓

need copy · copy in file 7/1/02 gave

✓ 6. EPA Form 5700-49 "Certification Regarding Debarment, Suspension and Other Responsibility Matters"

✓ 7. Certifying Regarding Lobbying form must be completed and returned if you are requesting Federal Funds. Please retain the "Disclosure of Lobbying Activities" form for your use in reporting lobbying activities during the project period of the assistance award.

✓ 8. EPA Form 4700-4 Pre-Award Compliance Review Report

✓ 9. Superfund Specific Requirements-Articles and Bylaws of Incorporation ✓

at time of award 10. SF-3881 - Electronic Funds Transfer Form

Mail the original and one copy of your completed application to:

Procurement and Grants Section (6MD-RP)
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

ck about switch in signatures ✓

Key contact list ✓

need memo from Mr. Vigil ✓

EIN number - ✓

# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-004

| | | |
|---|---|---|
| 2. DATE SUBMITTED 6/6/02 | Applicant Identifier | |
| 3. DATE RECEIVED BY STATE | State Application Identifier | |
| 4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier | |

**1. TYPE OF SUBMISSION:**

Application: ☐ Construction ☒ Non-Construction

Preapplication: ☐ Construction ☐ Non-Construction

**5. APPLICANT INFORMATION**

Legal Name: RIO COLORADO RECLAMATION COMMITTEE

Organizational Unit:

Address (give city, county, State, and zip code): Mailing: P.O. Box 637, Questa, NM 87556
Fedex: 7256 Hwy. 518, Ranchos deTaos, NM 87557

Name and telephone number of person to be contacted on matters involvi this application (give area code) Rachel Conn 505-751-7009

**6. EMPLOYER IDENTIFICATION NUMBER (EIN):** NOT RECEIVED YET

Need

**7. TYPE OF APPLICANT:** (enter appropriate letter in box) N

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) ~~simple~~ non-profit

**8. TYPE OF APPLICATION:**

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es)

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other(specify):

**9. NAME OF FEDERAL AGENCY:** U.S. Environmental Protection Agency

**10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:** 66 – 806

TITLE: Technical Assistance

**11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:** ✓ Technical Assistance ~~Grant~~ at Molycorp., Inc. Questa NM site.

**12. AREAS AFFECTED BY PROJECT** (Cities, Counties, States, etc.): Taos County including Questa, and Cerro

**13. PROPOSED PROJECT**

Start Date | Ending Date

**14. CONGRESSIONAL DISTRICTS OF:**

a. Applicant: Thomas Udall 3 (NM)

b. Project: Thomas Udall 3 (NM)

**15. ESTIMATED FUNDING:**

| | |
|---|---|
| a. Federal | $ 50,000 ✓ |
| b. Applicant | $ 12,500 ✓ |
| c. State | $ |
| d. Local | $ |
| e. Other | $ |
| f. Program Income | $ |
| g. TOTAL | $ 62,500 ✓ |

**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE 6/6/02 ✓ need response from SPOC

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**

☐ Yes If "Yes," attach an explanation. ☒ No

**18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.**

| | | |
|---|---|---|
| a. Type Name of Authorized Representative: RACHEL CONN | b. Title: PROGRAM DIRECTOR | c. Telephone Number: 505-751-7009 |
| d. Signature of Authorized Representative: Rachel Conn | | e. Date Signed: 6/1/02 |

# BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

## SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. Technical Assistance Grant at Molycorp Questa Mine | 66-806 | $ | $ | $ 50,000 | $ 12,500 | $ 62,500 |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. Totals | | $ | $ | $ 50,000 | $ 12,500 | $ 62,500 |

## SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY (1) Federal | (2) In-kind | (3) | (4) | Total (5) |
|---|---|---|---|---|---|
| a. Personnel | $ | $ | $ | $ | $ — |
| b. Fringe Benefits | | | | | — |
| c. Travel ? | 6,000 | move into unallowable | | | ~~6,000~~ |
| d. Equipment | | | | | — |
| e. Supplies ✓ | 1,400 | | | | 1,400 |
| f. Contractual ✓ | ~~42,600~~ 48,600 | 9,850.00 | | | 52,450 |
| g. Construction | | | | | — |
| h. Other meeting space | | 2,650.00 | | | 2,650 |
| i. Total Direct Charges *(sum of 6a-6h)* | 50,000 | 12,500.00 | | | — |
| j. Indirect Charges | 0 | | | | — |
| k. TOTALS *(sum of 6i and 6j)* | $ 50,000 | $ 12,500 | $ | $ | $ 62,500 |
| 7. Program Income | $ | $ | $ | $ | $ |

## SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e) TOTALS |
|---|---|---|---|---|
| 8. Technical Assistance at Molycorp Inc. Questa Mine Site | $ 12,500 | $ | $ | $ 12,500 |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTAL (sum of lines 8 and 11) | $ 12,500 | $ | $ | $ 12,500 |

## SECTION D - FORECASTED CASH NEEDS

| | (Total for 1st Year) | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---|---|---|---|---|---|
| 13. Federal | $ 25,000 | $ 6,250 | $ 6,250 | $ 6,250 | $ 6,250 |
| 14. NonFederal | 6,250 | 1,562.50 | 1,562.5 | 1,562.50 | 1,562.5 |
| 15. TOTAL (sum of lines 13 and 14) | $ 31,250 | $ 7,812.50 | $ 7812.50 | $ 7,812.50 | $ 7,812.50 |

## SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | FUTURE FUNDING PERIODS (Years) | | | |
|---|---|---|---|---|
| | (b) First | (c) Second | (d) Third | (e) Fourth |
| 16. Technical Assistance Grant at Molycorp Inc Questa Mine Site | $ 25,000 | $ 25,000 | $ | $ |
| 17 | | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTALS (sum of lines 16 - 19) | 25,000 ✓ | $ 25,000 ✓ | $ | $ |

## SECTION F - OTHER BUDGET INFORMATION
(Attach additional sheets if Necessary)

21. Direct Charges: NA

22. Indirect Charges: NA

23. Remarks:

# ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of the project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statues relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 795), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination of the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provision of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a-7), the Copeland Act (40 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.



AUTHORIZED FOR LOCAL REPRODUCTION

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuance to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplain in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S. C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.)

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
|---|---|
| Rachel Conn | Program Director |
| APPLICANT ORGANIZATION | DATE SUBMITTED |
| Rio Colorado Reclamation Committee | 6/4/02 |

# KEY CONTACTS

## AGENCY/ORGANIZATION DIRECTOR

(Individual who is authorized to sign the assistance agreement application and award acceptance.)

NAME: Roberto Vigil

TITLE: President of the Board

ADDRESS: P.O. Box 333

Questa, NM 87556

TELEPHONE: 505-586-0202 EMAIL —

## PROGRAM/PROJECT DIRECTOR

(Technical program director or person responsible for the project as a contact person in Block #5 of the application.) note: The program/project director is authorized to sign assistance agreement application and award acceptance.

NAME: Rachel Conn

TITLE: Vice President / Program Director

ADDRESS: 7256 Hwy. 518

Ranchos de Taos, NM. 87557

TELEPHONE: 505-751-7009 EMAIL Rachellconn@yahoo

need letter in file stating authorization

## FINANCE DIRECTOR

(Individual responsible for maintaining the accounting and financial management system supporting expenditures, preparing the financial reports, etc.)

NAME: Hope Buechler

TITLE: Treasurer

ADDRESS: P.O. Box 665,

Arroyo Seco, NM 87514

TELEPHONE: 505-776-1580 EMAIL hopenjim@laplaza.org

U. S. Environmental Protection Agency

Certification Regarding Debarment, Suspension and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, local) transaction or contract under a public transaction' violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year (3) period preceding this application/proposal had one or more public transactions (Federal, State, local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine up to $10,000 or imprisonment for up to 5 years, or both.

Rachel Conn Vice Chair / Program Director

Typed Name and Title of Authorized Representative

Rachel Conn 6/3/02

Signature of Authorized Representative Date

_____ I am unable to certify to the above statements. My explanation is attached

**Beverly Negri**

06/05/2002 06:08 AM

To: Rachel Conn <rachellconn@yahoo.com>
cc: Zana Halliday/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: TAG application

Rachel,,

I will answer your questions **in bold blue** letters just below your questions.
Rachel Conn <rachellconn@yahoo.com>

**Rachel Conn <rachellconn@yahoo.com>**

06/04/2002 09:32 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: TAG application

Dear Beverly,

Hello, my name is Rachel and as you have heard from Karen I am taking over as program director. I have filed our articles of incorporation and bylaws with the State and I am now working on the forms.

I have a question for form 4700-4 (the pre award compliance form. I have gotten to VII.
1a. is 25,985 (the population of Taos County) 1b. is 18,917. Where I run into problems is with the rest of VII- what does "population currently being served" mean? We are a new group so we are not really serving anyone- The population to be served by the project will be the whole service area because the work will protect the watershed.
**As a potential Technical Assistance Grant (TAG) recipient, "the "population currently being served" means the citizens and community members closest to the site who will be involved, informed and generally served by TAG activities.**

So my inclination is to fill out 2a and 2b as 0 and 3a and 3b the same as 1a and 1b. Is this correct?
**This is correct.**

For IX I plan to put "no schedule because we have just formed as a group and have not made future plans
beyond TAG grant" is this adequate?
**On the Pre-Award Compliance form this statement would work. But it is important that you continue to interact with the site's Remedial Project Manager, Mr. Mark Purcell. Mark can provide (and may have already provided)his projected technical remediation work plan for the site. Your Project Narrative Statement should include under Section 2. A., the Projected Statement of Work for your Technical Advisor. This Statement of Work should parallel Mark's work plan.**

Can I sign this sheet as the program director?
**Karen was provided a blank copy of a "Key Contacts Form". This form includes the names and contact information for the "Agency/Organization Director" - the**

**individual authorized to sign the TAG application and award acceptance; the "Program/Project Director" - the technical person for the project as a contact person and the "Finance Director" - the person responsible for maintaining the accounting and financial management system for the TAG. One or two persons may serve as both the Program Director and the Agency Director, but neither of those two people can also be the Finance Director.**

Thanks for your time

-Rachel

---

proved
2090-0014
02-28-03

United States Environmental Protection Agency

EPA

Washington, DC 20460

**Preaward Compliance Review Report for**

**All Applicants Requesting Federal Financial Assistance**

Note: Read instructions before completing form.

| I. A. Applicant (Name, City, State) | B. Recipient (Name, City, State) | C. EPA Project No. |
|---|---|---|
| Rio Colorado Reclamation Committee<br>Questa, New Mexico | | |

II. Brief description of proposed project, program or activity. Applying for a Technical Assistance Grant (TAG) for the Molycorp molybdenum mine site east of Questa

| | |
|---|---|
| III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient? If yes, list those complaints and the disposition of each complaint. | Yes [No] |
| IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance? If yes, list those compliance reviews and status of each review. | Yes [No] |
| V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity? If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance. | Yes [No] |

VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.

| VII. | Population Characteristics | Number of People |
|---|---|---|
| 1. | A. Population of Entire Service Area | 25,985 |
| | B. Minority Population of Entire Service Area | 18,917 |
| 2. | A. Population Currently Being Served | 0 |
| | B. Minority Population Currently Being Served | 0 |
| 3. | A. Population to be Served by Project, Program or Activity | 25,985 |
| | B. Minority Population to be Served by Project, Program or Activity | 18,917 |
| 4. | A. Population to Remain Without Service | 0 |
| | B. Minority Population to Remain Without Service | 0 |

VIII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons? If no, explain how a regulatory exception (40 C.F.R. §7.70) applies. [Yes] No

IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why. There is no schedule at this time because we have just formed as a group and have not made future plans beyond the TAG grant.

X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

| A. Signature of Authorized Official | B. Title of Authorized Official | C. Date |
|---|---|---|
| Rachel Conn | Program Director | 6/4/02 |

**For the U.S. Environmental Protection Agency**

| Approved Disapproved | Authorized EPA Official | Date |
|---|---|---|
| | | |

EPA Form 4700-4 (Rev. 1/90) Previous editions are obsolete.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

EPA

# PROCUREMENT SYSTEM CERTIFICATION

Form Approved
OMB No. 2000-0453
Approval expires 10-31-87

| APPLICANT'S NAME | ASSISTANCE APPLICATION NUMBER |
|---|---|
| Rio Colorado Reclamation Committee | |

APPLICANT'S ADDRESS
P.O. Box 637
Questa, NM 87556

## SECTION I — INSTRUCTIONS

The applicant must complete and submit a copy of this form with each application for EPA Assistance. If the applicant has certified its procurement system to EPA within the past 2 years and the system has not been substantially revised, complete Part A in Section II, then sign and date the form. If the system has not been certified within the past 2 years, complete Part B, then sign and date the form.

## SECTION II — CERTIFICATION

A. I affirm that the applicant has within the past 2 years certified to EPA that its procurement system complies with 40 CFR Part 33 and that the system meets the requirements in 40 CFR Part 33. The date of the applicant's latest certification is: MONTH/YEAR

B. Based upon my evaluation of the applicant's procurement system, I, as authorized representative of the applicant: *(Check one of the following:)*

☐ 1. *CERTIFY* that the applicant's procurement system will meet all of the requirements of 40 CFR Part 33 before undertaking any procurement action with EPA assistance

Please furnish citations to applicable procurement ordinances and regulations

☒ 2. *DO NOT CERTIFY THE APPLICANT'S PROCUREMENT SYSTEM.* The applicant agrees to follow the requirements of 40 CFR Part 33, including the procedures in Appendix A, and allow EPA preaward review of proposed procurement actions that will use EPA assistance.

| TYPED NAME AND TITLE | SIGNATURE | DATE |
|---|---|---|
| Rachel Conn | Rachel Conn | 6/6/02 |

EPA Form 5700-48 (Rev. 5-84) Previous edition is obsolete.

# CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

A. Is your organization classified as nonprofit? YES X NO _____

If Yes, what is the IRS classification? 501(c)(3)_____ 501(c)(4)_____ Other_____

B. Does the organization engage in lobbying? YES_____ NO X

***If you answered Yes to both questions and your Agency is classified as a 501(c)(4) organization who engages in lobbying activities, your organization is ineligible for receipt of Federal funds. Please do not submit an application.***

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the enetering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influenece an officer or employee of any agency, a Member of Congress, an Officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shalll certifiy and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any persons who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Roberto Vigil — 5-16-02

Head of Agency or Organization — Date

Co-Sign for

Roberto Vigil President

Type Name & Title

Name and Address of Agency/Organization:

Rio Colorado Reclamation Committee

P.O. Box 637

Questa, NM 87556

NOTE: Use of this format is optional. You may provide this same information on your letterhead.

# BYLAWS
# OF
# THE RIO COLORADO RECLAMATION COMMITTEE

## ARTICLE I
Name
Rio Colorado Reclamation Committee

## ARTICLE II
Purposes
The corporation is organized for the purpose of remediation of surface waters, groundwaters, air quality and land surfaces negatively impacted by the operation of the molybdenum mine in Questa, NM. The corporation is also committed to discovering if any action taken directly or indirectly by the molybdenum mine in Questa, NM, it's management or agents, has is or might in the future negatively impact public health or welfare. The organization will work to obtain assistance in interpreting technical information generated during the EPA RI/FS investigative process at the mine site and surrounding areas, as well as during the actual EPA superfund cleanup process at the site and is committed to respecting, protecting and restoring the cultural, economic and ecological wellbeing of the affected community.

## ARTICLE III
Offices
The Rio Colorado Reclamation Committee may establish and maintain such offices or places of business, within the State of New Mexico as the members shall, from time to time, determine are necessary or convenient to the accomplishment of the purposes of the association.

## ARTICLE IV
Board of Directors

1. The Corporation shall be governed by a Board of Directors ("Board") consisting of up to 12 members and no fewer than 3. There shall be no limit imposed upon the number of terms (one year) a director may hold. A board member may be removed from the board by a majority vote.
2. Directors will be nominated without regard to race, color, religion, age, gender, or sexual orientation. To fill a vacancy on the board, any board member may nominate a potential new member for consideration by the board of directors.
3. Regular meetings of the board shall be held no less than quarterly during the fiscal year, the time to be fixed by the Board at its first meeting of the year. A majority of the Board shall constitute a quorum. Special meetings of the Board may be called by the President or by a majority of the members of the Board.
4. The duties of the Board shall be to:
   (a) exercise general oversight on activities and expenditures;
   (b) administer the corporation in accordance with the Articles of Incorporation, these By-laws and applicable federal and state laws;
   (c) Engage qualified accountants to conduct an annual audit.
5. Directors will receive no compensation for their services, but shall be reimbursed for reasonable costs.

## ARTICLE V
Officers

1. The officers of the Corporation shall consist of a President, Vice President/Program Director and a Secretary/Treasurer

2. Officers shall be elected at the annual meeting at the beginning of the fiscal year and shall assume their duties immediately thereafter.

3. A vacancy occurring in any office shall be filled for the unexpired term by a person elected by a majority vote of the remaining members of the Board.

## ARTICLE VI
Duties of Officers

1. The President shall preside at all meetings of the Board at which she may be present; shall perform such other duties as may be prescribed by these Bylaws or assigned to her by the board.
2. The VP/Program Director shall be the key liaison between the RCRC and the EPA should the group be awarded an EPA Technical Assistance Grant. She will be responsible for the oversight of all reporting required by EPA Region 6 as well as being the Board's designated signatory for applications, award acceptances and any other documents requiring signature. The VP/Program Director shall perform such other duties as may be delegated to him/her, including acting for the President in that person's absence.
3. The Secretary/Treasurer shall record the minutes of all meetings of the Board and shall perform such other duties as may be delegated to him or her. The Secretary/Treasurer shall have responsibility for oversight and primary control of all funds of the corporation; shall keep a full and accurate account of receipts and expenditures; and shall be responsible for deposit of all receipts in an insured Bank.

## ARTICLE VIII
Amendments

These Bylaws may be amended or altered in whole or in part by a majority vote at any regular or special meeting of the Board.

The foregoing Bylaws were adopted on the 15 day of May, 2002

Roberto Diaz
President

Rachel Carr
Vice President/Program Director

Hope Buechler
Secretary/Treasurer

# ARTICLES OF INCORPORATION
# OF
# THE RIO COLORADO RECLAMATION COMMITTEE, INC.

The undersigned citizens of the United States and residents and citizens of the State of New Mexico, have associated, and do hereby associated, themselves for the purpose of forming a corporation or association not for profit under the laws of the State of New Mexico.

**Article I**
Name
The corporate name of this nonprofit corporation shall be " The Rio Colorado Reclamation Committee".

**Article II**
Term
This corporation shall exist perpetually or until dissolved according to law.

**Article III**
Purpose

Section 1: The corporation is organized for the purpose of remediation of surface waters, groundwaters, air quality and land surfaces negatively impacted by the operation of the molybdenum mine in Questa, NM. The corporation is also committed to discovering if any action taken directly or indirectly by the molybdenum mine in Questa, NM, it's management or agents, has is or might in the future negatively impact public health or welfare. The organization will work to obtain assistance in interpreting technical information generated during the EPA RI/FS investigative process at the mine site and surrounding areas, as well as during the actual EPA superfund cleanup process at the site and is committed to respecting, protecting and restoring the cultural, economic and ecological wellbeing of the affected community.

Section 2: To the end that the corporation's purposes and objects may be furthered, it shall have the powers enumerated below:

A. To borrow from any source other than the potentially responsible party, money, goods or services and to pledge or mortgage any of its property as security therefore, in any manner permitted by law.

B. To buy, lease, hold and exercise all privileges of ownership in and to the real or personal property as may be necessary or convenient for the conduct and operation of the association.

C. To have and exercise all power, privileges and rights conferred on nonprofit associations or corporations by the laws of the State of New Mexico, all of which are hereby expressly claimed, including all powers which may be necessary, convenient or expedient for the accomplishment of the purposes of this association, except such powers as are inconsistent with the provisions of the Act under which this association is incorporated.

Section 3: The principal activities and business of this association will be carried on in Taos County, State of New Mexico, but its entire business and activities will not necessarily be limited to said County.

**ARTICLE IV.**

Dissolution

Dissolution of this corporation, if ever, shall be in accordance with the laws of the State of New Mexico.

**ARTICLE V.**

Registered Agent

The name of this corporation's initial registered agent is Karen Douglas whose address is 4601 Montano NW # 116, Albuquerque, NM 87120. The principal address of this corporation is PO Box 637, Questa NM 87556.

**ARTICLE VI.**

Board of Directors

Roberto Vigil, PO Box 333, Questa, NM 87556
Carlos Herrera, PO Box 204, Questa, NM 87556
Brook Tatum-Engle, PO Box 1148, Questa, NM 87556
Taylor Streit, PO Box 2759, Taos, NM 87571
Karen Douglas, 4601 Montano NW # 116, Albuquerque, NM 87120
Rachel Conn, 7256 Hwy. 518, Ranchos de Taos, NM 87557
Marshall Reddell, PO Box 986, Questa, NM 87556
Hope Buechler, PO Box 665, Arroyo Seco, NM 87514
David Douglas, 4601 Montano NW # 116, Albuquerque, NM 87120

**ARTICLE VII.**

Incorporators

Karen Douglas, 4601 Montano NW # 116, Albuquerque, NM 87120
Roberto Vigil, PO Box 333, Questa, NM 87556
Rachel Conn, 7256 Hwy. 518 Ranchos de Taos, NM 87557

Dated: 5/15/02

Signatures of Incorporators

# Technical Assistance Grant

***Project Narrative Statement***

**Section 1 (Group Qualifications)**

**A. Group Eligibility**

**1. Do any of the following categories apply to your group?** No.
No group members are PRPs.
The group was not established by a PRP.
The group was not/is not sustained by a PRP.
The group was not/is not sustained by
a. a corporation that is not incorporated for the specific purpose of representing affected individuals at the site;
b. an academic institution;
c. a political subdivision
No one in the group has a financial involvement in a PRP as other than an employee or contractor.

**2. How many members in your group?** 15
**Is it made up of a coalition of groups?** No
**If not, how was your group formed?** By concerned citizens who live, work, or own property in the Questa-Red River area and who are concerned that the Molycorp mine is having a deleterious effect on human and animal health, water quality, soils, and quality of life in the area adjacent to and downstream from the mine.

**B. Responsibility Requirements**

**1. Administrative and Management Capabilities: Please briefly describe the organizational structure of your group in the space below. (Describe roles and responsibilities of members, particularly members who will be responsible for financial management of the grant and directing the activities of the contractor.)**

The Rio Colorado Reclamation Committee (RCRC) consists of a Board of Directors headed by a Chairperson. Other members of the group attend meetings and may vote on matters at Board meetings. The Board will make administrative and financial decisions at meetings regarding the TAG. Once a Technical Advisor (TA) is hired under a detailed Scope of Work, the Board will oversee the work of the TA, authorize work tasks and travel, and plan future activities with the TA. The Chairperson will be the authorized signatory for all TAG activities, including the contract with the TA, monthly checks, and official correspondence with EPA, Region 6. The Vice-Chairman will act on behalf of the Chairperson in the Chairperson's absence. The Chairperson and Vice-Chairman will be elected from the Board of Directors.

**2. Resources for Project Completion: What resources are available to your group to help complete the TAG Project? (Include any plans that your group has for in-kind contributions or for fund-raising and obtaining cash.)**

The RCRC will use meeting space provided by the Questa school district at the La Cienega Elementary School. The group will use computers, printers, and fax machines provided by various Board members to conduct its routine business. The RCRC does not assess dues, but it may solicit donations to help defray some administrative costs. Contributions of time and use of equipment from Board members will be used to meet the in-kind requirement under the TAG, as will the use of the previously mentioned meeting space.

**3. Performance Record: Please describe your group's past performance with satisfactorily completing projects and contract. (If your group has no past experience, EPA will evaluate the description, budget, and schedule you provide in Section 2 of this application.)**

the group do have prior experience in grant administration and environmental projects through such groups as Concerned Citizens of Questa, Amigos Bravos, Questa Safe Environment, and the Red River Watershed Group.

*Project Narrative Statement* **(continued)**

**4. Accounting and Auditing Procedures: What procedures does your group plan to use for recordkeeping and financial accountability related to the grant? Please identify the member of your group who will maintain your financial records.**

TheTreasurer of RCRC will oversee all finances. The Board of Directors of RCRC will review and approve (or disapprove) quarterly financial reports produced by a financial grant administrator. The RCRC will contract out the monthly grant financial administration to a qualified professional. The RCRC will also hire a CPA in 2004 to audit grant expenditures and provide a report to the EPA on the financial status of the TAG at closeout.

**5. Incorporation: Is your group incorporated specifically for the purpose of addressing problems at this site? (yes/no) If not, what steps is your group taking to incorporate for grant-related purposes?**

RCRC is not presently incorporated, but has applied for non-profit incorporation status with the State of New Mexico.

**6. Drug-Free Workplace Policy: Does your group promise not to engage in illegal drug-related activities while carrying out activities using TAG funds? -** Yes

**C. Group Issues and Objectives**

1. **Health Considerations: How many group members have experienced health effects from contamination at the site? Describe actual or potential health threats the site poses to individual group members and the efforts members of your group have undertaken to resolve or make known these health concerns.**

Studies are underway to determine health effects from the Molycorp mine on the local population. Several group members report concerns with water quality in the Red River and contamination in drinking water wells adjacent to the mine. Potential COCs from the mine include molybdenum, beryllium, aluminum, cadmium, manganese, iron, fluoride, lead, zinc, TDS, sulfate, and low pH water. The following contaminants have been documented as being present at unsafe levels in one or more local drinking water wells: aluminum, beryllium, cadmium, iron, manganese, fluoride, and sulfates. Many local residents report chronic stomach problems, non-alcoholic cirrhosis of the liver, respiratory problems, Alzheimer's disease, fatigue, memory loss, loss of appetite, and other symptoms that may or may not be caused by drinking contaminated water or from exposure to contaminants in the soil or air. Several group members have been diagnosed with heavy metals poisoning, for which they attribute exposure to contamination from the mine site as a contributing factor.

Some members of RCRC and the local community have been voicing concerns about the Molycorp mine for 30 years. The recent listing of the mine as an NPL site is the result of diligent efforts by local community members, the Taos-based environmental group, Amigos Bravos, and various technical consultants to Amigos Bravos (Trout Unlimited, Center for Science in Public Participation, Southwest Research Information Center, New Mexico Environmental Law Center and the Western Environmental Law Center). Individual memblers of RCRC have written articles in numerous publications, including the *Taos News.* They have also spoken at public regulatory hearings and with New Mexico Gov. Gary Johnson and contacted Senators Pete Domenici, Jeff Bingaman, and Congressman Tom Udall regarding the health concerns associated with the site.

2. **Consolidation/Representation: Describe the number and diversity of affected community organizations and individuals represented by your group, highlighting the ways in which your group represents individuals affected by the site.**

Association, and property owners who own land on or adjacent to the Red River downstream from the Molycorp mine.

***Project Narrative Statement* (continued)**

The group has members whose domestic water wells have been sampled and found to contain elevated levels of molybdenum, TDS, sulfate, aluminum, beryllium, cadmium, manganese, iron, and fluoride. These potentially dangerous constituents of concern are thought to have leached from the Molycorp mine dumps and tailing ponds. The RCRC has contacted members of the Cerro Neighborhood Association who have concerns about the large tailings pond south of their community. Members of the Red River Restoration Group and Questa Safe Environment will also be involved with the RCRC.

Some members of the group are fishermen who are interested in seeing the Red River to its pre-mining condition as a Blue Ribbon trout fishery. The group also represents farmers who, like generations before them, use local *acequias* to irrigate their fields. Others own businesses aimed at the tourist trade, which has been damaged by the collapse of the Red River as a prize trout fishery and by the dramatic eyesore created by the mine along Highway 38. Members with contaminated wells can no longer rent their properties to vacationers, at times a source of income for generations. Several members of the group own property in Questa or along the Red River that has been in the family for generations.

3. **Tasks for Technical Advisors: Please describe how your group intends to use your technical advisor to interpret technical Superfund information.**

The RCRC will employ a TA to attend all meetings held between EPA and Molycorp and/or its subcontractors to review documents generated during the RI/FS process. The TA will give oral progress reports at monthly meetings of the RCRC, write short memos summarizing specific topics of concern, and assist with writing a quarterly newsletter that will summarize work at the Molycorp Superfund site. The TA will also communicate in person and in writing with concerned citizens who have specific concerns and may wish to communicate privately. The TA will communicate technical information in clear, understandable language to the layperson. To this end, the TA will prepare (or use existing EPA material) a list of acronyms, units of measurement, other interpretive materials as needed, and contacts at Molycorp, state, and federal agencies for distribution to local residents and other interested citizens.

4. **Information Sharing: How does your group intend to share information collected with grant funds with the larger community?**

The RCRC plans to write and distribute a quarterly newsletter documenting work done under the RI/FS process at the Molycorp site. In addition, the group will hold regular public meetings at La Cienega Elementary School in Questa to share information with the public. Other venues for information dissemination include local newspapers in Taos and Santa Fe, the Albuquerque news media, and public radio in Taos and Alamosa, Colorado that reaches the Questa area. Members of the Red River Restoration Group and the Questa Safe Environment Group will also be involved with the RCRC. The information will also be shared with elected Village, County, and State officials.

5. **Economic/Environmental Considerations: How many group members have experienced economic/environmental impacts from contamination at the site? Please describe the actual or potential economic harm or loss of environmental amenities the site has imposed on individual group members, and efforts group members have undertaken to resolve or make known these concerns.**

**Beverly Negri**

05/30/02 02:48 PM

To: Karen Douglas <minniemoomoo@comcast.net>
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Re: My replacement

Karen,

Please keep in touch and let us know how things are going. Tell Rachel to call us on the 1-800 number or e-mail me if she has any questions.

Beverly
Karen Douglas <minniemoomoo@comcast.net>

**Karen Douglas <minniemoomoo@comcast.net>**

05/29/2002 06:15 PM

To: Beverly Negri/R6/USEPA/US@EPA, rconn@amigosbravos.org
cc:
Subject: Re: My replacement

Dear Beverly,
AS you can see, I passed your note on to Rachel. I've already assured herthat you would be a great source of help. I'll still have my hands in things fromtime to time until the application process is finished, but things on our lawsuit against Molycorp for contaminating our well have moved into high gear. given the time committment this involves we thought it best if someone else took charge for the present. i have passed everything on to Rachel, including copies of our back-and-forth-e-mails in which you provided me with a wealth of information which is not currently written up in one place. As well, you've been a great person to "hold my hand" while slogging through all of the questions which I and members of the RCRC have had. So, I'm hoping we'll still be able to keep in touch, and even better, finally get to meet one of these days.
Thank you for all of your help and kindness,
karen
At 07:44 AM 5/28/2002 -0500, you wrote:
>
>Karen,
>
>Thank you for the information about the change in the Program Director.
>I hope to hear from Ms. Rachel Conn soon. Please provide her all of the
>information that EPA has given to you that is Technical Assistance Grant
>related. Let her know that if she has any questions or needs additional
>information, she can call me or Zana Halliday on the toll free number
>1-800-533-3508. Good luck in your future endeavors.
>
>Beverly Negri
>Superfund Community Involvement
>Technical Assistance Grants Project Officer
>214.665.8157
>negri.beverly@epa.gov
>
>
>
>

> Karen Douglas

> <minniemoomoo@com To: Beverly
Negri/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
> cast.net> cc:

> Subject: My replacement

> 05/24/2002 04:55

> AM

>

>

>
>
>
>
>Dear Beverly and Mark,
>
>As I mentioned earlier, I am having to step down as Program Director,
>while
>I will still be remaining on the Board. My replacement, who will be
>getting the final revised application and all related papers to you, is
>Rachel Conn. Her address, both mailing and Fedex, is 7256 Hwy 518,
>Ranchos
>de Taos, New Mexico 87557. Her home phone number is 505-751-7009.
>
>Rachel has been working with the group for quite some time, and has been
>involved with issues of the Molycorp mine and the environment for
>several
>years. I have told her that she should feel free to contact you with
>any
>questions she has, and she will be the contact person once the
>application
>is submitted.
>
>Thank you for all the help and support you have given me; Iknow that
>Rachel
>can rely upon the same.
>
>Warmest regards,
>
>Karen
>
>
>
>
>
>

**Beverly Negri**

05/28/02 07:44 AM

To: Karen Douglas <minniemoomoo@comcast.net>
cc: Mark Purcell/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: My replacement

Karen,

Thank you for the information about the change in the Program Director. I hope to hear from Ms. Rachel Conn soon. Please provide her all of the information that EPA has given to you that is Technical Assistance Grant related. Let her know that if she has any questions or needs additional information, she can call me or Zana Halliday on the toll free number 1-800-533-3508. Good luck in your future endeavors.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157
negri.beverly@epa.gov

Karen Douglas <minniemoomoo@comcast.net>

**Karen Douglas <minniemoomoo@comcast.net>**

05/24/2002 04:55 AM

To: Beverly Negri/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
cc:
Subject: My replacement

Dear Beverly and Mark,

As I mentioned earlier, I am having to step down as Program Director, while I will still be remaining on the Board. My replacement, who will be getting the final revised application and all related papers to you, is Rachel Conn. Her address, both mailing and Fedex, is 7256 Hwy 518, Ranchos de Taos, New Mexico 87557. Her home phone number is 505-751-7009.

Rachel has been working with the group for quite some time, and has been involved with issues of the Molycorp mine and the environment for several years. I have told her that she should feel free to contact you with any questions she has, and she will be the contact person once the application is submitted.

Thank you for all the help and support you have given me; Iknow that Rachel can rely upon the same.

Warmest regards,

Karen

**Beverly Negri**
05/13/02 11:50 AM

To: Carlene Chambers/R6/USEPA/US
cc: Helen Newman/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
cc: Mark Purcell/R6/USEPA/US@EPA, Beverly Negri/R6/USEPA/US@EPA, Helen Newman/R6/USEPA/US@EPA
Subject: Re: Molycorp TAG

I'll make a note to the TAG file for our future reference. We might even get in a final application this year. If it happens next year, we'll go with the RUB right?

Beverly
Carlene Chambers

**Carlene Chambers**
05/13/02 09:04 AM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Beverly Negri/R6/USEPA/US@EPA, Helen Newman/R6/USEPA/US@EPA
Subject: Re: Molycorp TAG

Mark,

Someone on Buddy's team probalby knows the terms of your Molycorp agreement. As the keeper of the CERCLA monies, I have to preserve them as much as possible. Whenever I see that a site has a RUB account, I must first ask if the money can be used for anything that comes through Helen or I to be funded, before we use CERCLA. So, we use RUB first, CERCLA second; unless, the terms of the agreement are as you have outlined. I am not privy to any of the agreements for RUB since Buddy's folks are responsible for the RUB accounts. We will fund the TAG with CERCLA funds this year; however, I will probably forget this next year when something else comes up and ask you again. Thanks.

Carlene Chambers
US EPA, Region 6
214/665-3181 voice mail
214/665-6660 fax
Mark Purcell

**Mark Purcell**
05/10/2002 02:49 PM

To: Carlene Chambers/R6/USEPA/US@EPA, Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Molycorp TAG

Carlene,

I'm not quite sure if I understand this funding process. I believe we budgeted $50k for the TAG this year. That money is in our annual budget.

I also have money in the RUB account, but it was never intended for the TAG this year. In fact, I only received $215k from Molycorp (cost recovery) this year for the RUB account. Because the Region elected to cut the monies I proposed in our annual budget for the oversight contractor ($250k), I had to spend most of that on our OS contractor ($140k). The remainder is split up into several pieces. I placed $20k into the category for IAGs/Grants. This was to fund the Natural Resource Trustee agencies support to EPA for the Molycorp site. We just signed an MOU with those agencies and will need to establish IAGs this year to fund their effort.

Can we use the $50k in our annual budget for the TAG? If we can do this, we should. Otherwise, I cannot fund the IAGs for the trustees, nor the entire $50k of the planned TAG.

I don't think that Doretha or Buddy understand that Molycorp never agreed to fund our effort up front, only as costs are incurred. We have to bill them to received money for the RUB account. The $200k recovered in the past-cost settlement was not adequate to pay for all costs incurred by the agency this year.

I'll talk with you and Beverly next Monday to resolve.

Thanks,

Mark

I

**Beverly Negri**

05/13/02 06:39 AM

To: Karen Douglas <minniemoomoo@comcast.net>
cc: Zana Halliday/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: CLARIFICATION--Organization Director/Project Director

Under the new October 2000 TAG Rule, the title of the signer of the TAG application can be either the Chairperson (Director) or the Project (Program) Manager. Either title holder can sign the application and must continue to sign ALL related paperwork, financial or otherwise, for the life of the TAG, . As you have stated the TAG application and related documents can't be signed by the Treasurer (Finance Director) . Hope this helps and hope to see the final application soon.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157
negri.beverly@epa.gov

Karen Douglas <minniemoomoo@comcast.net>

**Karen Douglas <minniemoomoo@comcast.net>**

05/06/02 09:36 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: CLARIFICATION--Organization Director/Project Director

Dear Beverly,

We are finally on the home stretch of getting this all together, and still need one clarification where there is a discrepancy between information received from you, what is stated on the "Key Contacts List", and that stated in Superfund Technical Assistance Grant (TAG) Handbook: The Application Forms with Instructions. You have indicated that the Chairperson (or President) of the group must be the person to sign the application and, should the grant be awarded, sign the award acceptance and various other documents, especially any Requests for Reimbursement. The Program Director is the person responsible as key contact person between the Group and the EPA. This is how you have indicated it, and how it is explained on the "Key Contact List". However, on Page 4 of the booklet "Application Forms with Instructions" it indicates that the Project (program) Manager (Director) should sign the application. As I have noted previously, in the RCRC the Chairperson and the Program Director are different people. (don't worry, the Treasurer (Finance Director) is yet another person--no conflict there.)

Who do you, as Region 6 Coordinator, want to sign these and any other related forms, such as all the various assurances included in the application packet--The Chairperson (Organization Director) or the Program Director (Manager)?

Also, on the Certification of Drug Free Workplace, what address should be put as the place of performance. While the various reports will be done in numerous places--Program director will probably do reports in different place from Treasurer, should we list location where group files will be kept (not an official office per se), or the location where Board and Group meetings will probably be held?

Just to give you a heads up, because of the overwhelming time constraints

placed on me by personal issues, while I will be remaining on the Board of Directors, there will be someone else taking over my duties as Program Director and who will oversee the ultimate submission of our revised application.(Hopefully within about 2 weeks.) As soon as I have that person's name and other information I will pass it on to you and Mark.

Thanks for the clarification on these two items, and for all of you help in the past.

Warm Regards,
Karen

**Beverly Negri**
05/08/02 06:11 AM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Carlene Chambers/R6/USEPA/US@EPA, Helen Newman/R6/USEPA/US@EPA
Subject: Re: Molycorp TAG

Mark,

We have yet to receive the receive the revised application. When (and if) it comes in, you will be involved in its review. When I return next week, I'll get with Carlene to see what we need to do to get the finding corrected.

Beverly
Mark Purcell

**Mark Purcell**
05/03/02 10:08 AM

To: Beverly Negri/R6/USEPA/US@EPA, Carlene Chambers/R6/USEPA/US@EPA
cc:
Subject: Molycorp TAG

Carlene, Beverly,

Connie Suttice asked me today about the availability of TAG money in our Molycorp Special Account. We have $50,000 planned in our annual budget for Molycorp, but it is not in the Special Account, its in our Region's planned FY02 budget. I informed her of this.

I am not sure about the process for obligating those funds (e.g., funding action or procurement request) from the Region's budget or transfering them into this special account. It seems that all funds spent for Molycorp must now be drawn from this special account, but we have planned funds in the Region's budget for TAG and Management Assistance with the State ($30,000).

What is the process? And what do I need to do to set it up in accordance with the Region's procedures?

Regarding the TAG, have we received the revised application from the TAG group? And, if so, did we approve it?

Thanks,

Mark

**Zana Halliday**

04/02/02 08:44 AM

To:
cc:
Subject: Molycorp repository

Taos Public Library
402 Camino de La Placita
Taos, NM 87571
Jim Shannon, Director
(505) 737-2587

**Beverly Negri**

03/11/02 08:10 AM

To: Karen Douglas <minniemoomoo@comcast.net>
cc: Zana Halliday/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: More confusion

Karen Douglas <minniemoomoo@comcast.net>

**Karen Douglas <minniemoomoo@comcast.net>**

03/08/02 11:37 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: More confusion

Dear Beverly,
I've just contacted some of our Board and our lawyer, and we have another point of confusion based on your last e-mail.

Q. The Key Contacts list says,
under Agency Director "Individual who is authorized to sign the assistance agreement application and award acceptance." You have defined this person as the one designated by the Board to sign these items and, if we are awarded the grant, to sign requests for reimbursement.

The Project Director is listed as "Technical program director or person responsible for the project as a contact person in block #5 of the application."

We have been assuming that the Project Director is the person who will be the primary contact between RCRC and the EPA. Right now, as "Program Director" that is the designation I have with the group, and I can sign the application. We can change things around so that our "President" (Organization Director) is the person who signs the application, award acceptance and requests for reimbursement (should we get the grant), but I, as "Project Director" would be the key contact as designated in Block #5. Does this work for you and your panel?

**A. I haven't defined this person "as the one designated by the *board* to sign these items." The individual who signs the award document must be the Agency/Organization Director and is the "signatory" for all financial/award documents. Your board may have designated someone besides you for this role. You can still serve as the Project Director and the individual I would work with if the TAG is awarded.**

**Be certain that the Agency information in block 5 of the Standard Form 424 is for Mothers for Clean Air and your name can be placed in the block for "name/contact information of person to be contacted"**

**We do this type of division of labor all the time on TAGs.**

The main point is that we want this set up with the EPA so that I, or anyone taking my place, would be the key liaison between our group and EPA. Will this work as I have suggested in the paragraph above, or have things changed since this Key Contact list and its explanations were drawn up and the designated signee (Organization Director) is also the main liaison between our two groups?

Sorry for the confusion, but the various nonprofits our members have dealt

with in Northern NM seem to be set up slightly differently from the way EPA wants things done. (But then again, Northern New Mexico is often considered to be a separate country from the rest of the 50 states in the way we do lots of things).

Q. One last question, of which I was just reminded by a Board Member: I am well aware, and have constantly reminded members of the RCRC that under TAG's terms, we may not use any TAG funds for litigation of any kind. The question was raised that, as a result of the EPA's or ASTDR's investigations, it is found that any actions taken by the Molycorp mine prove to be the cause of illness and /or diseases in community members, mine workers, etc., does membership in a TAG group preclude any of these individuals in filing personal injury suits against MolyCorp, or would it preclude a group of people containing members of a TAG group from participating in a class action suit for such illnesses or injuries? If such suits should arise, does the plaintiff(s) have to resign from the TAG group, even though no money from the group would be used or politically lobbying done by the group?

**A. EPA does not get involved in civil law suits. In the past, members of a TAG group have filed suits against the PRPs and remained in the TAG organization.**

It was a crazy meeting, but I think I've covered all questions that came up there and as a result of your last answers.

Adios,
Karen

**Beverly Negri**

03/11/02 08:02 AM

To: Karen Douglas <minniemoomoo@comcast.net>
cc: Zana Halliday/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: More questions

Karen Douglas <minniemoomoo@comcast.net>

**Karen Douglas <minniemoomoo@comcast.net>**

03/08/02 10:26 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Re: More questions

Beverly,
Q. Once again, thanks for the quick responses. On the question about the interim grant administrator, his fee would actually be under $1,000--$975 at the most. Being under that $1,000 mark, is a contract still required? Basically are you saying that a contract is required for anyone doing any work (ex: person doing our annual financial audit, or someone hired to type some reports on a one-tie basis, etc.)?

**A. If this individual is going to "jump start" your TAG requirements, I would suggest that you have a contract stating exactly what they are supposed to accomplish for you. A "one-time" effort is contractural unless you are using a service and hire the services temporarily, but it is up to your group to determine if that is what you want to do.**

I think the rest of your answers are quite clear. I can easily convert Mark's figures to a calendar year mode, but when I finalize this section I'll double check with Mark to make sure my conversion is accurate before submitting.

Thanks very much, once again. I do hope that all the hubbub about the President's plans for the EPA budget are not causing you too many problems. I must tell you that this issue was quite a concern at the Questa community meeting. Even people who rarely follow the news raised this issue. I was thankful that I had gotten what information I could from you and Mark (who had quite a bit of information on the technical side), so that I could fill folks in. For your information, because of stipulations in the AOC which Molycorp agreed to in 2001, there is a $2 million bond put up by Molycorp to cover the RI/FS process (unless it runs over the anticipated cost). At least we know the project will go that far, even if Molycorp declares bankruptcy, which they are threatening to do.

Warmest regards,
Karen
At 09:12 AM 03/08/2002 -0600, you wrote:
>
>Karen - I will answer your questions in bold as usual.
>
>
>
>

> Karen Douglas

**Beverly Negri**

03/08/02 09:12 AM

To: Karen Douglas <minniemoomoo@comcast.net>
cc: Zana Halliday/R6/USEPA/US@EPA, Mark Purcell/R6/USEPA/US@EPA
Subject: Re: More questions

**Karen - I will answer your questions in bold as usual.**

Karen Douglas <minniemoomoo@comcast.net>

**Karen Douglas <minniemoomoo@comcast.net>**

03/07/02 01:37 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: More questions

Dear Beverly,

Thanks for your prompt responses. The last batch raised a few more questions, a few more came up at a community meeting in Questa from which I've just returned.

Q. 1. On the application we can apparently ask few an advance of up to $5,000. I know we need to breakdown the amounts we're asking for and what they would be used for. Where on the application should this be done?

**A. In your original TAG application, the request for the $5000 advance should be included in several places. The actual narration detaining how the finds will be expended should be included 1) in the "Project Narrative Statement" under Section 1, 2. Resources for the Project. This section response will include information as to your groups resources as well as why you need up front funds. In addition, when completing the Standard Form (SF) 424A, you will need to list the funds 2) under the appropriate object class category. When you complete the detailed budget for the grant, be very specific in a separate breakdown for the $5000 expenditures 3) under the "Attachment 1.C. - Detailed Budget". Please remember that the "advance" can only be given to an organization after they have been awarded the TAG. The advance is a one-time only occurrence and all other funding to the TAG recipient is given in reimbursement only.**

Q. 2. You mention that there are only 9 places on SF 424A for financial figures. However, in the Project Narrative, Section 2, we are asked for a detailed budget broken down in quite a bit of detail, first for the Technical Assistant, and then for the grant overall--this is why I've had so many detailed questions. Some more in that regard: Our budget has been set up by quarters. Should we use the Federal fiscal year or the calendar year?

**A. The SF 424A has only nine Object Class Categories that you need to complete. The expanded budget should still reflect the same object class categories in detail For example, the cost for the contractual category might be $45,000, and you might be planning on contracts for a Technical Advisor, a Health Expert and a TAG Administrator. So, your detailed budget should show the planned budget for each contract. I recommend that you project the budget for a calendar year, but if you want to use quarters, that is also OK - please just make sure that your budget figures add up correctly. Don't use a fiscal year as the grant might not be awarded in accordance with the fiscal dates.**

**Use projected dates that make sense for the project and tie them to Mark's dates.**

Q. 3. The Key Contacts sheet and your comments on the Agency/Organization Director have raised questions with several of us, most particularly our lawyer. We are assuming that the Organization Director and Finance Director are members of the Board (our President and Treasurer respectively). The Program/Project Director is where we have problems. In some States in a non-profit organization,this is someone selected by the Board, but who is not a member of the Board. Other states allow for this person to be a Board member. For EPA's purposes, is the Program Director a Board member or not?

**A. Most of the Region 6 TAGs have the Program Director as a board member, but this is not a requirement.**

Q. Also, the Project Director is the person who is listed as contact person in
Block #5 of the application. If this same person is the one authorized by the Board to sign the assistance agreement application (not necessarily the acceptance or anything else, just the application), does EPA have a problem with this? Example: I am currently the Project Director and the person currently designated by the Board to sign the application. Is this a problem?

**A. If you are designated by the board to sign the application, then on the "Key Contacts" list, your name must also be listed as the Agency/Organization Director. The Agency/Organization Director is the individual who is authorized to sign the assistance agreement application and the award acceptance. This same individual must sign all of the application forms and future Requests for Reimbursement. In the same vein, the Financial Director can not serve as the Agency/Organization Director or the Program/Project Director.**

Q. 4. An idea was presented to us at our community meeting which had unanimous support. There is a person in Montana who is currently Grant Administrator for at least 3 different TAG groups. It was suggested that, if we are awarded the grant, we could hire him immediately to set up all the required reporting systems, to immediately begin the solicitation process for us, first for a Technical Assistant and then for a full-time, contracted Grant Administrator. This would allow us to jump immediately into the process with a person knowledgeable in EPA/TAG procedures right on board. As soon as a Grant Administrator is hired through the solicitation process, he could make sure this person was set up with templates for all necessary TAG reports, etc. and then be gone. Since this would involve less than $1,000, we are all under the impression that this would be permissible under the rules as we read them. Do you see any problem with this?

**A. If the contract for this individual is $1000, then this action would be permissible without competition. But, a contract is still required for these services and I will still need to review the contract before it is signed and awarded.**

Q. Once I have the rest of my budgetary questions answered I'll plug all my numbers in. If it looks as though I can set the detailed budget up more simply by years, as in the Handbook example, I will. Still need to know if we're going by Federal fiscal or calendar year, though. I'm afraid that since the numbers Mark has projected for a TA to work on the RI/FS process at the Molycorp site to be higher than first thought (and he tried to be as conservative as possible), the $50,000 won't stretch out for 3 years. In this case, we thought projecting by quarters might make more sense.. Either

way, we thought it would be better to stick to the realistic numbers right away rather than making something up that fits the grant amount neatly into 3 years, and than will quite obviously have to be changed.

**A. It is better to stay with realistic numbers.**

Once again, thanks in advance for your help and advice.

Regards,
Karen

**Beverly Negri**

03/06/02 06:58 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: New e-mail address

Zana,

Please modify our TAG contact list.

----- Forwarded by Beverly Negri/R6/USEPA/US on 03/06/02 06:57 AM -----

**Karen Douglas <minniemoomoo@comcast.net>**

03/04/02 09:46 AM

To: amanda_douglas@mckinsey.com, ajkelton@aol.com, annekious2yahoo.com@mail.comcast.net, anthonyglopez@qwest.net, bwolf@amigosbravos.org, Beverly Negri/R6/USEPA/US@EPA, FLAMINGOBZ@aol.com, macd@kitcarson.net, wathawa@kitcarson.net, bshields@amigosbravos.org, btatum@laplaza.org, shearouse@un.org, morganeagle@hotmail.com, merchant@lobo.net, charlie_de_saillan@nmenv.state.nm.us, cbdplanng@ad.com, evans1802@juno.com, cgomez@amigosbravos.org, Bjsdoug@aol.com, Charlene.Rimbert@twtelecom.com, haaker@nm.net, culum_flynn@hotmail.com
cc:
Subject: New e-mail address

Due to excite@home's ungraceful exit from the e-mail world I've got a new address:minniemoomoo@comcast.net. Because of the changeover, Comcast's mail server has been down quite a bit since last week, so anyone who's tried to send me mail from the 28th through March 3rd might want to try again.

David's address is still douglas@nm.net.

Regards,
Karen

**Beverly Negri**

02/28/02 09:50 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Re: EPA Budget and Molycorp Site

please place in TAG file

**Mark Purcell**

02/27/02 05:37 PM

To: Karen Douglas <minniemoomoo@home.com>
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: EPA Budget and Molycorp Site

Hi Karen,

I'll try to answer your question regarding our funding for the Molycorp site. Molycorp has agreed to fund the cost of the RI/FS. Under the Administrative Order on Consent (AOC), the cost estimated for performing the RI/FS is currently $2 million. Molycorp is required to provide financial assurance for the cost of the RI/FS and is in the process of obtaining financial assurance for that amount. Therefore, we expect that the RI/FS will be completed, regardless of what may happen in the future in connection with EPA's budget and regardless of the company's financial situation.

For our cost in overseeing Molycorp's effort, we have set up a special Superfund account for the Molycorp site. Money to be placed into that account will come from Molycorp as we bill them for costs incurred. EPA will bill Molycorp on an annual basis. Since the AOC was signed in September of 2001, we plan on sending the first bill in September 2002. Molycorp is also obligated to pay EPA's past costs under the AOC. Right now, we have a limited amount of money already in the account, which we received from Molycorp as the first of its two required past costs payments.

Please let me know if you have any other questions.

Sincerely,

Mark

Mark Purcell
Remedial Project Manager
Superfund Division
U.S. Environmental Protection Agency - Region 6
1445 Ross Avenue (6SF-LP)
Dallas, TX
Tel: 212-665-6707
Fax: 212-665-6660
e-mail: purcell.mark@epa.gov

**Beverly Negri**

02/26/02 09:07 AM

To: Karen Douglas <minniemoomoo@home.com>
cc: Mark Purcell/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US@EPA
Subject: Re: Further Questions

**Karen,**
**I will respond in bold beneath the specific questions to both of your e-mails.**
**Beverly**

Karen Douglas <minniemoomoo@home.com>

Dear Beverly,

Here is the next batch of questions (hopefully the last) that I need the complete the revised application for a TAG grant for the RCRC.

**Q.** 1)Meeting announcements: must we pay for ad space, or can we run a free item in the "Announcements" section of the Taos News (the regional newspaper), post flyers at strategic points in town (Post Office, Supermarket, Town Hall, etc.) and do a mailing to our members and anyone else who has shown an interest in what is happening at the mine?

**A. If using free announcements in the Taos news, mailing out member notices and posting flyers gets attention and results in meeting attendance, then those efforts can take the place of formal "paid for" notices. The one exception is the TAG recipient's first announcement that a TAG has been awarded to their organization. A newspaper notice is required. If a grantee can get a local paper to run the notice without cost, that is great. If free announcements in the Taos news, mailing info out to members and posting flyers don't bring in meeting attendees, then use formal paid for notices and any other methods that work for you.**

**Q.** 2) Do all Board Members have to be from the immediately effected communities, or can we have a member from nearby who is aware of the problems with the mine, but also has experience working directly for an environmental group?

**A. It is recommended that the majority of the Board members live in the impacted area. But if the Board wants to include other folks who are familiar with the mine and have experience working on environmental issues (as long as they are not representatives from nationally recognized groups - i.e. Green Peace, etc.) they can be members of the Board.**

**Q.** 3)This is a clarification--does the EPA have a rule on who has check signatory powers, or is this just based on how the Board of Directors decides to do this?

**A. On the required "Key Contacts" form, the name of the person who is designated as the Agency/Organization Director usually signs the TAG application. After the TAG is awarded, this same individual has responsibility to sign all Requests for Reimbursement. The Board of Directors would determine this individual before ever applying for a TAG. If the person who fills this position changes after a TAG is awarded, the TAG organization simply needs to send EPA a letter on organization letter head, with a revised "Key Contacts" form, stating that the name of the signatory person has changed.**

**Q.** 4)The reason I was asking about lists of reports the group must file on a monthly or quarterly basis is that in order to come up with a budgetary figure for administration, it would help to know all/most tasks involved. I'll base this on the handbook of sample reports.

**A. Administratively speaking, there is a "progress/status report" that is due to EPA each quarter along with the grantee's and Technical Advisor's deliverables. The TA must complete reports for each of their work requirements and copies of the deliverables should be attached with the quarterly reports. There are two types of reports that are due yearly on each TAG award anniversary date - Minority-Owned Business Enterprise/Women-Owned Business Enterprise and the Annual Financial Status Report. The Final Financial Report is due to EPA within 90 days after the end of the TAG award project. The Requests for Reimbursements are sent to EPA whenever enough TAG costs have been accrued to warrant the need for reimbursement.**

**Q.** 5) Page 12 of the Handbook "Applying for your Grant" states "the terms of the grant, as well as the workplan and budget contained in your approved application, are legally binding. They may be changed only through a formal grant amendment. Other items may be changed in consultation with the EPA". Since the budget we submit on our revised application is only a "best guess" of hours, fees and travel expenses for the TA, and since the work plan is bound to change, how can we be held exactly to all items in the budget and workplan? Will we have to have a formal grant amendment for every change, or only if we need to exceed a budgeted item or add something to the work plan?

**A. As you noted, the Handbook states, the terms of the grant can be changed, but** "They may be changed only through a formal grant amendment." **If a budget/project change is 10% or more of the total grant ($62,500) i.e. $6,250 or more, and/or if the planned projects of the grantee change significantly from the original grant, then a formal amendment with a new Technical Advisor's (TA) Statement of Work (SOW) is required.**

**But, if a grantee decides to make a budget/project modification of less than 10% of the total budget, all that is required by EPA is 1.)a letter from the grantee stating that a budget modification of less than 10% (xx dollars) is being made and 2.) a copy of the revised budget. If the budget modification is a result of a change in the agreed upon TA's SOW, a revised SOW is also required. It is important to remember that budget revisions are cumulative, example - 5% change in a first revision and perhaps 7% in a second revision - then the second revision would require a formal grant amendment that would include the total revised budget change of 12% and the new SOW.**

**Please note that on the Standard Form 424A, there are only about nine (9) Object Class Categories that should be completed. TAG grantees don't complete 6.c. - Travel, 6.g. - Construction or 6.i. - Total Direct Charges. Only the TA travel is paid for out of TAG funds and should be included as part of the TA's contractual costs under 6.f.. There are no "construction costs" and no Total Direct Charges in TAGs. This limited number of categories to complete in the TAG application should make budgeting easier for potential TAG awardees.**

**Note: If a grantees plans on paying the grant administrator a salary, then this budget figure should be included in category 6.f. along with the dollar figure for the TA. EPA usually does not pay 6.b., Fringe Benefits.**

**Q.** 6) If new "in-kind" items arise after the budget is approved, for example someone occasionally offers to create and distribute a meeting flyer "gratis", or members attend an unanticipated state hearing on Molycorp, or another lawyer steps in do we have to get a grant amendment as well, or just record in the financials.

**A. A new TAG amendment is never required for increases in in-kind assistance**

**because this action is transparent to EPA. The grantee just keeps a record in the financials. When a Request for Reimbursement (RFR) is sent to EPA, I recommend that the grantee never reflects more than the required 20% match on the RFR.**

**Q.** 7)If the "Grant Administrator" is a member of the RCRC, can this person be a Board Member or not?

**A. On occasion, the "grant administrator" is also a Board member. Just be careful to watch out for any potential conflicts of interest.**

**Q.** 8)Can the "financial person" as referred to on the "Key Contacts Form" be a
signatory on the checking account?

**A. EPA is only interested in who signs the grant and the RFRs. As answered in question 3 above, this person must be the same. The Board may designate whom they wish to be signatories on their account. I do have some grantees who have the name of the financial person on the account and some who have the name of the Grant Administrator.**

**Remember, EPA sends the TAG awardee the TAG reimbursements via electronic transactions directly to the awardees' financial institutions, we do not send checks.**

---

Dear Beverly and Mark,

My husband and I just caught something on CNN which has us concerned. The gist of the item was that EPA's budget has been slashed so much that if money has not yet been set aside for a site, it will probably not go through the full evaluation and cleanup. This is quite worrisome considering that the RI process is just beginning, and that Molycorp has been threatening bankruptcy more and more often, especially to the press.

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cc: TAG File

**Beverly Negri**

02/26/02 05:44 AM

To: Karen Douglas <minniemoomoo@home.com>
cc: Mark Purcell/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US
cc: Mark Purcell/R6/USEPA/US@EPA, Zana Halliday/R6/USEPA/US
Subject: Re: Further Questions

**Karen,**
**I will respond in bold beneath the specific questions to both of your e-mails.**
**Beverly**
Karen Douglas <minniemoomoo@home.com>

Dear Beverly,

Here is the next batch of questions (hopefully the last) that I need the complete the revised application for a TAG grant for the RCRC.

**Q.** 1)Meeting announcements: must we pay for ad space, or can we run a free item in the "Announcements" section of the Taos News (the regional newspaper), post flyers at strategic points in town (Post Office, Supermarket, Town Hall, etc.) and do a mailing to our members and anyone else who has shown an interest in what is happening at the mine?

**A. If using free announcements in the Taos news, mailing out member notices and posting flyers gets attention and results in meeting attendance, then those efforts can take the place of formal "paid for" notices. The one exception is the TAG recipient's first announcement that a TAG has been awarded to their organization. A newspaper notice is required. If a grantee can get a local paper to run the notice without cost, that is great. If free announcements in the Taos news, mailing info out to members and posting flyers don't bring in meeting attendees, then use formal paid for notices and any other methods that work for you.**

**Q.** 2) Do all Board Members have to be from the immediately effected communities, or can we have a member from nearby who is aware of the problems with the mine, but also has experience working directly for an environmental group?

**A. It is recommended that the majority of the Board members live in the impacted area. But if the Board wants to include other folks who are familiar with the mine and have experience working on environmental issues (as long as they are not representatives from nationally recognized groups - i.e. Green Peace, etc.) they can be members of the Board.**

**Q.** 3)This is a clarification--does the EPA have a rule on who has check signatory powers, or is this just based on how the Board of Directors decides to do this?

**A. On the required "Key Contacts" form, the name of the person who is designated as the Agency/Organization Director usually signs the TAG application. After the TAG is awarded, this same individual has responsibility to sign all Requests for Reimbursement. The Board of Directors would determine this individual before ever applying for a TAG. If the person who fills this position changes after a TAG is awarded, the TAG organization simply needs to send EPA a letter on organization letter head, with a revised "Key Contacts" form, stating that the name of the signatory person has changed.**

**Q.** 4)The reason I was asking about lists of reports the group must file on a monthly or quarterly basis is that in order to come up with a budgetary figure for administration, it would help to know all/most tasks involved. I'll base this on the handbook of sample reports.

**A. Administratively speaking, there is a "progress/status report" that is due to EPA each quarter along with the grantee's and Technical Advisor's deliverables. The TA must complete reports for each of their work requirements and copies of the deliverables should be attached with the quarterly reports. There are two types of reports that are due yearly on each TAG award anniversary date - Minority-Owned Business Enterprise/Women-Owned Business Enterprise and the Annual Financial Status Report. The Final Financial Report is due to EPA within 90 days after the end of the TAG award project. The Requests for Reimbursements are sent to EPA whenever enough TAG costs have been accrued to warrant the need for reimbursement.**

**Q.** 5) Page 12 of the Handbook "Applying for your Grant" states "the terms of the grant, as well as the workplan and budget contained in your approved application, are legally binding. They may be changed only through a formal grant amendment. Other items may be changed in consultation with the EPA". Since the budget we submit on our revised application is only a "best guess" of hours, fees and travel expenses for the TA, and since the work plan is bound to change, how can we be held exactly to all items in the budget and workplan? Will we have to have a formal grant amendment for every change, or only if we need to exceed a budgeted item or add something to the work plan?

**A. As you noted, the Handbook states, the terms of the grant can be changed, but** "They may be changed only through a formal grant amendment." **If a budget/project change is 10% or more of the total grant ($62,500) i.e. $6,250 or more, and/or if the planned projects of the grantee change significantly from the original grant, then a formal amendment with a new Technical Advisor's (TA) Statement of Work (SOW) is required.**

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**Beverly Negri**

02/25/02 08:43 AM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Re: Molycorp update and other questions/comments

for TAG file

**Mark Purcell**

02/22/02 02:34 PM

To: Karen Douglas <minniemoomoo@home.com>
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: Molycorp update and other questions/comments

Hi Karen,

I will try to answer your six (6) items as follows:

1. Update on latest meeting with Molycorp

EPA commented on Molycorp's revised Conceptual Site Model (CSM) tables to ensure that all possible pathways of exposure for contaminants of potential concern and the exposure media were identified. Molycorp will submit a revised CSM with the other work plans and sampling plans at the end of March.

EPA commented on some preliminary draft Data Quality Objectives (DQOs). The development of DQOs is a quality- assurance process for ensuring that EPA obtains data of a sufficient quality for completing the risk assessments and making decisions on response actions. EPA had several concerns with Molycorp's draft DQOs and are working with Molycorp to revise them.

The Denver meeting will be to discuss the DQOs, sampling designs, and EPA's data needs for performing the risk assessments.

2. The Molycorp site is proposed for the NPL. It is not currently listed. The RI/FS is referred to as a Remedial process. We have not conducted a removal at the Site under Superfund. I am not sure whether a removal was performed in the past under another state or federal regulatory authority. The PA/SI has been completed for the Site.

3. I have to check on the "in Kind" meaning and get back to you. Site related meetings would include the public meetings and public open houses that EPA will hold in Questa to present to the community updates on the RI/FS work.

4. In Superfund we use the term "Operable Unit" to define separate phases of the work. At this time, we have not separated out any OUs and are looking at the Site as a whole unit. However, that could change in the future. We may decide to make a decision for response actions on one component of the project (e.g., the Red River), and not the mine site or Tailings Facility.

5. With regards to site visits, I would not include them with the meetings. You should probably plan on a couple of site visits for the RI/FS. We will most likely plan a reconnaissance visit after the sampling plans are approved, but before the sampling work starts. There will also be other opportunities to visit the site with EPA.

6. The TA may be accompanied by me or other representatives for EPA. Although I will not be at the Site throughout the field investigation, I will have oversight people there. If the TA wants to observe field work, I could arrange that, but you need to let me know first.

Mark Purcell

Remedial Project Manager
Superfund Division
USEPA-Region 6
Dallas, TX 75202
214-665-6707

**Beverly Negri**

02/19/02 12:00 PM

To: Karen Douglas <minniemoomoo@home.com>
cc: btatum@laplaza.org, humphrey@newmex.com, rvwoodworks@yahoo.com, Zana Halliday/R6/USEPA/US, Mark Purcell/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA, btatum@laplaza.org, humphrey@newmex.com, rvwoodworks@yahoo.com
Subject: Re: Questions for application and organization

I'll answer your questions in **bold** below the specific question. Please remember that since August 9, 2001, I still have not received a completed revised Technical Assistance Grant application from the Rio Colorado Reclamation Committee.

Karen Douglas <minniemoomoo@home.com>

**Karen Douglas <minniemoomoo@home.com>**

02/15/02 02:11 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: btatum@laplaza.org, humphrey@newmex.com, rvwoodworks@yahoo.com
Subject: Questions for application and organization

Dear Beverly,
I've got some questions that have come up either in working on the revised budget and application or in working on the incorporation with our lawyer. In no particular order:

Q. On page 4 of Handbook "Applying for your grant" it states that the group must be "incorporated before we submit our first request for reimbursement. If we are approved for the grant but are still waiting for the incorporation to be approved, can we begin doing things (advertising for a TA, etc.) with our own funds and either get reimbursed when the incorporation is completed, or possibly use this as "in kind" if the money is a donation and not a loan from members?

**A. Under the new TAG Rule (October 2, 2000) it is possible for a TAG recipient to get an "advance payment" of up to $5000. Your group must submit in writing as part of your application a request for an advance payment and identify what activities, goods or services your group requires. After this initial advance, EPA reimburses the TAG recipient only for the group's actual cash disbursements. Also, Rio Colorado Reclamation Committee (RCRC) can include in the revised application that they would like EPA to pay for the costs of incorporation and as long as RCRC receives the TAG we will pay for the incorporation costs. If RCRC is not awarded the TAG, we don't pay for the incorporation. Also, if the incorporation takes some time, as long as the RCRC uses "in-kind matching funds" to pay for activities you undertake prior to incorporation, there isn't a problem. This funds concern can be addressed by RCRC receiving the "advance payment". RCRC just can't come to EPA later after they have incorporated via a Request for Reimbursement and ask for payment for such activities or costs if you didn't tell us up front that you wanted us to pay for the costs.**

Q. Also on page 4, it states that some groups might find it "desirable to get Tax Exempt status at the same time that they incorporate". This implies that we don't have to be a nonprofit right away. What is the absolute definitive rule of the EPA, since this contradicts what I've been told by your office?

**Karen Douglas**
**<minniemoomoo@home.com>**

02/19/02 02:07 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: RCRC

Dear Beverly,
I received your answers, which were extremely helpful, especially the information about the $5,000 advance which is not in the booklets that I have.

I do have some other questions which I will send either later today or tomorrow morning. I want to try to make this the last set before I finalize the revised application.

If you recall, Mark had told you that he was not going to be able to help with the revised hours in the budget until the AOC and SOP were finalized, which your letter said would be after the new Federal Fiscal year. None of us were informed that these were finalized until sometime in November. Once I heard from Mark we realized that the hours involved for a TA were going to be much higher than our original estimate. This change has thus changed many of our budgetary and narrative items. I am hoping to have the final draft of our revised application to you by early next week.

Once again, thank for you all of your help. You and Mark have both been terrific, although you work on different ends of a very complicated process. I can not thank you enough for your time and attention.

Warmest Regards,
Karen

**A. Section 35.4045 of the new Rule requires that all TAG recipients must be incorporated as nonprofit with the State. It really is preferred that a TAG recipient has incorporated BEFORE being awarded the TAG - however we do award TAGs with the understanding that until a grant recipient has been incorporated, no funds drawdown will be allowed and this includes the advance payment. There is a difference between incorporation and "tax-exempt status". Whether or not RCRC wants to apply for tax-exempt status from the U.S. Internal Revenue is your decision. I always recommend that TAG recipients apply for "tax-exempt" status because that allows a nonprofit to receive tax-deductible donations and may also provide other benefits to the group, depending on State law.**

Q. I have been looking into the best places for us to advertise for a TA so that we will be prepared, and so I can also put estimates for advertising in the budget. I have found that some advertisers (for example the Albuquerque Journal) require payment up front by credit card for newly established groups and for anyone not listed in the phone book. Can we be given advances for situations such as these, so that the member putting this on their credit card can pay it off immediately and not incur interest, or must we handle this and then be reimbursed by the EPA? Or, if you've come across this situation before, does the EPA have another way of handling this? (This group is from an area suffering great monetary hardship, and the latest Molycorp layoffs have made this situation worse.)

**A. I believe this action is a bit premature - please finalize the TAG application first, so that an award can be made. Again, if RCRC is awarded the TAG, you might include advertizing for a TA in the advance funding request.**

Q. On page 5 under "in-kind" contributions it mentions members attending "site-related meetings". What exactly is meant by this. Mark was quite adamant that he was told only a TA could attend any Molycorp/EPA meetings. I have spoken with other TAG groups where there were at least some meetings on the site or relating to the site which at least the TAG Board/Committee members were allowed to attend. Please clarify this for us and for Mark, since he's never dealt with a TAG before.

**A. Each site is different. The regularly scheduled meetings of a TAG group where the group discusses TAG related issues are considered "site-related" meetings. If RCRC members attend site related New Mexico Environmental Department or EPA public meetings, they can also count their attendance time as in-kind costs. Each site is different..if Mark has been told that only the TA can attend Molycorp meetings, then that is the situation.**

Q. On the same topic, could "site-related" meetings refer to meetings concerning State regulations at the site, which overlap with EPA-required work? for example there will be meetings coming up this year concerning the renewal of the State's discharge plan for the tailings ponds and pipelines. Would these be considered "site related"?

**A. Yes, site related State discussions can be considered "site meetings", any site-related health department or Agency for Toxic Substances and Disease Registry meetings also can be considered site meetings. USGS study meeting also can be counted as in-kind.**

Q. The State meetings relating to Molycorp also seem as though they would be "site related" when it comes to attendance by our TA. From having attended these before, I know that the upcoming ones on the renewal of DP (Discharge Plan) 933 definitely overlap with EPA work. I've budgeted for attending USGS meetings since the AOC and SOW state that everything done at the Molycorp site should try to take the ongoing USGS study into account. Mark

agreed with this, but I forgot to ask him about the State meetings, which he may or may not attend. Unless you disagree, I'm going to put some time in the budget for these state hearings.

**A. Be carful in assuming that all State meetings can be considered as Molycorp site related. I would require that you provide proof that the State meeting is relevant to Molycorp.**

Q. Mark Purcell and I have spent quite a bit of time going over the hours estimates for the TA to review RI/FS documents. He is being conservative, but the number is quite a bit higher than in our original budget. This is an extremely complex site, as has been pointed out by the State agencies and independent contractors who have been involved there. So my question is: do I give you a revised budget extending out 3 years, even though it will most certainly exceed $62,500, or do I submit a revised budget which only covers up to $62,500, even if it will not cover the process up through the final ROD?
This is probably the most important answer I need from you.

**A. The initial TAG grant can only be for $50,000 in Federal funds. I recommend too that you stay within the required 20% match for the TAG. After successful completion of the first TAG, additional TAGs can be requested for more than $50,000.**

Q. If a non-profit Internet provider offers to host a site for the RCRC and a member can design and maintain the site, is this permitted by the EPA? And can we use this as an "in-kind" contribution? This would be one ideal way to communicate documents and TA reports to the public, and could include a newsletter (which would be produced in paper-format and mailed out as well).

**A. This sort of activity can certainly be considered as in-kind. But it cannot be the only vehicle for getting TAG related information out to the impacted community as many folks do not own computers - the paper format would need to be utilized. Also please remember to make the information available in Spanish if at all possible.**

Q. For TA reports, minutes of group meetings, etc., can these be sent to the EPA electronically (as an attachment to e-mail) or must we provide them to EPA in paper format?

**A. Electronic format is quite acceptable to me. But the repository will need hard copy.**

I think this covers my questions for now.
Thanks for all of your help.

Karen

Q. I'm probably staring right at these in my mounds of paperwork, but can you tell me where to find the list of required financial and other reports which the TAG must provide for EPA?

**A. If you are awarded the TAG, we will provide you a complete listing of the reports the TAG recipient must provide EPA.**

**Karen Douglas**
**<minniemoomoo@home.com>**

02/11/02 05:00 PM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Beverly Negri/R6/USEPA/US@EPA, Donald Williams/R6/USEPA/US@EPA
Subject: Molycorp meetings

Dear Mark,

This is just to confirm my understanding from our latest conversation this afternoon. Meetings to which a Technical Assistant from a TAG group will be invited will be held in Questa whenever possible. If this understanding is not correct, please let me know by e-mail.

Thanks for all the help,
Karen

**Beverly Negri**
01/17/02 12:25 PM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Questa Drinking water article - Molycorp

# Dirty water found in Questa

**By The Taos News**
Jan. 14
Village of Questa officials are scrambling to find and correct the problem in Questa's drinking water system that caused the water to exceed safe standards for coliform.

The coliform bacteria is commonly found in the human intestinal tract. A coliform count is often used as an indicator of fecal contamination in water supplies.

The New Mexico Environment Department and United States Environmental Protection Agency standard for the presence of coliform in water supplies is that no more than five percent of the samples collected during a month can contain coliform. Coliform causes symptoms that include diarrhea, cramps, nausea, possibly jaundice; and the headaches and fatigue that accompany those symptoms. Presence of the bacteria is generally the result of a problem with water treatment, or the pipes that distribute the water.

"We have already flushed our lines and increased the chlorine we put into the water," said Questa administrator Valerie Segura. "Now we are looking for leaks and our engineer is checking to see how much deeper our wells and pumps need to be."

**Beverly Negri**
12/17/01 08:59 AM

To: Karen Douglas <minniemoomoo@home.com>
cc: Mark Purcell/R6/USEPA/US, Patrick Young/R6/USEPA/US, Jennifer Lyke/R6/USEPA/US,
cc: Beverly Negri/R6/USEPA/US@EPA
Subject: Re: some help needed

Karen,

Thank you for the update on the community demographics and concerns. From the emphasis you have indicated on the concerns about health related data, it appears that one major shift will be needed in your Statement of Work - placing a greater emphasis on health data review and analysis by the Technical Advisor (TA). It is quite acceptable for a TAG recipient to hire more than one TA - especially when one TA needs to be a health related professional. As I anticipate that you will be including this change in your final Statement of Work, I have copied our Agency for Toxic Substances and Disease Registry (ATSDR) contacts on this email. They will assist the site team in providing advice and comments on the health-related section of your revised TAG application.

In so far as strengthening your deliverables, I have taken the liberty of listing some added deliverables that might be included in your revised application. They are listed below:

The TAG recipient will:

1. Provide EPA a copy of newspaper notice (tear sheet copy) that is to be placed by the recipient group in a local newspaper(s) announcing the awarding of the TAG to the recipient group and the date/time of a post award meeting.
2. Host a post award meeting in the local community to announce to the community the awarding of the TAG to the recipient group and to receive up front community input and feedback.
3. Provide EPA a copy of summary report of the first community meeting that includes any input and information from the community and an address listing of all meeting attendees.
4. Provide EPA copies of any/all summary reports of any/all TAG related meetings.
5. Provide EPA a newspaper tear sheet copy announcing the Request for Proposals for the hiring of a Technical Advisor (TA).
6. Provide EPA copies of any/all Request for Proposals received from potential TAs.
7. Provide EPA a copy of accepted/approved TA proposal.
8. Provide EPA a copy of the draft and final TA contract.
9. Provide EPA copies of any/all information, reports or fact sheets created by the recipient group or the group's TA under the auspices of the TAG.
10. Provide EPA copies of any and all sign-in sheets produced at any/all recipient group site related meetings under the auspices of the TAG (Names and addresses of attendees will be added to the site mailing list.)
11. Provide EPA a copy of TA's report on review of Remedial Investigation data and a copy of the report created for the TAG recipient group.
12. Provide EPA copies of an reports generated by the Ta in follow-up to the TA's attendance at any technical meetings with the PRP, EPA officials, USGS, state officials and the public.

13. Provide EPA copies of any/all TA's report(s) on the Feasibility Study proposed schedule of operations and opportunities for citizen involvement during this clean-up phase.

... etc., etc., etc., for each phase of work the TA will accomplish...

I hope this information helps in clarifying the deliverables recommendations.

Beverly
Karen Douglas <minniemoomoo@home.com>

**Karen Douglas <minniemoomoo@home.com>**
12/17/01 01:19 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: some help needed

Dear Beverly,

Mark and I have been speaking quite a bit about the Molycorp AOC/SOW and RCRC's TAG application revisions. There is a problem we've run into: Mark has never worked with a TAG group before, and so as we go over this there are rules and regs that I have to explain to him. This is my first TAG, and while I've been in touch with a number of people who are currently working with TAGs or have done so in the past, all of them worked on applications before many of the ground rules were changed.

One big question Mark and I are hoping you can help us with: you mentioned back in August that the committee did a cursory reading of our initial application and found it "a bit light in the deliverables area." Could you drop Mark and me an e-mail explaining what you mean by that, and perhaps giving us an example or two of where this occurs and what is more acceptable?

Also, I've gotten some more up to date population figures for Questa and information on other communities which are affected by the mine in some way. The last census put the Village of Questa population at between 1,800 and 1,900 (larger than we all expected). The town of Cerro is affected in some areas by groundwater leakage from the 4 tailings ponds and most of it is affected by dry tailings blown by the winds, especially during our heavy spring winds. The same is true of El Rito, just north of Questa, and we are not sure at this point jut how much El Rito might have been effected by Molycorp exploration on property which bounds on the El Rito area. Haven't been able to get population figures on either Cerro or El Rito, but both areas are also home to quite a few current and former Molycorp employees, as are the towns of San Cristobal, Lama and Arroyo Hondo, all south of the mine. While health concerns have become a major topic in Questa, they also have started being voiced by people from all of the above mentioned towns. Then you have people like my husband and me, and the Fagerquists, who own the property next to ours. Dotted all through this area are private homes that don't fall into the boundaries of any official Village, Town, etc. We are listed and taxed by Taos County, but are on the edges of all the various villages I've listed, not within the boundaries.

Then, of course, contamination concerns are quite high among people down stream of the mine, since the mine's contamination of the Red River flowns into the Rio Grande. Numerous businesses related to fishing/tourism (Guide

services, fishing equipment shops and river tour businesses--rafting and kayaking rentals) in the Town of Taos have voiced their concern about how this contamination has effected their business.

While the Town of Red River is upstream of the mine, Red River residents who are members of the Red River Watershed group are also concerned. Though they have luckily been spared the groundwater and surface water contamination created by the mine (no one is sure about air pollution),their tourism is effected by the blight which the waste rock dumps have caused to the scenery west of the town. Tourists who approach Red River from the East never have to see this. However, tourists who come in via the Western route drive right past this. Residents are afraid that this "welcome" to Red River has and will continue to turn first-time visitors off enough to prevent them from returning.

While the bulk of our members are from the Questa/Cerro/ElRito area (mostly Questa), we have been approached by people from all the other areas and interest groups I've mentioned above and at this point we have at least one member from each group/area (except perhaps SAn Cristobal and Lama). I just wanted to give you an update in this area and let you know that interest is growing and we certainly are trying to be as all-inclusive as possible.

Sorry to have gotten off the original topic, but I figured since I was writing, an update couldn't hurt.

I know the holidays are fast approaching and you're probably very busy. I'd appreciate any help you can give Mark and me on my question about the deliverables whenever you can get to it. I'm sure you have it, but Mark's e-mail address is Purcell.Mark@epa.gov.

Have a wonderful holiday. I'll probably call you in the New Year, once Mark and I have finished our work sessions, to pick your brain about some other questions.
Thanks for everything,

Karen

**Karen Douglas**
**<minniemoomoo@home.com>**

11/16/01 04:16 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Re: Questa TAG

Dear Beverly,

Thank you for your beautiful response. After being in NYC, I think you understand what my family has been going through. For 8 years my father, Now deceased, was the foreman in charge of installation of all heating, ventilation and air conditioning systems for the entire complex as it was being built. It was the crowning jewel of his career. My brothers and I all worked on the project summers during highschool and college. While the people we know who died were not close friends, and the friends who were injured will thankfully recover, there are many of our friends and my brothers co-workers who are doing welding and ironwork at the site. Both my brothers witnessed the entire catastrophe and are just starting to get their emotional barings back. One nice thing is that we have all been hearing from men who worked with my father during that 8 years, who felt they had to get in touch and make sure we realized what a great man my father was. Once again, it's those New Yorkers thinking about others. I'm honored to have lived there the first 36 years of my life.

And I am honored to "know" someone (though we haven't met as yet) who helped out during those first horrible weeks. Thank you.

And thanks for the information about the health issues. I knew that we'd be dealing with the ATDSR at some point, and when we get there, I appreciate any advice you can give me. The health situation in Questa is becoming something quite out of the ordinary.

Warmest regards,
Karen
At 06:29 AM 11/16/2001 -0600, you wrote:
>
>Dear Karen,
>
>I am saddened by the report of so much illness in your family and
>community. I hope things get better physically and mentally for all of
>you.
>
>In regards to September 11, that same week, I was honored to be selected
>to be part of the EPA Region 6 Response team that went up to New York
>and Washington to help with the disaster. The folks in new York and
>Washington are very tough people and are determined to come back even
>stronger.
>
>Mark told me that he had contacted you to let you know the status of the
>AOC. If a major part of your TAG application Statement of Work (SOW)
>will be related to health issues, I have two draft fact sheets that
>might be of value to you. We will place them in the mail today. They
>might help you with the writing the health-related part of the SOW and
>provide some guidance of where to start looking for a technical advisor
>for that part of the TAG. The documents are:
>
>"How to Find and Choose A Public Health Technical Advisor"
>The Agency for Toxic Substances and Disease Registry (ATSDR) draft,
>"Superfund Technical Assistance Grant Program"
>
>I will respond to e-mail or telephone questions, so please feel free to

>contact me either way. Thank you for the Questa telephone number, we
>will add it to your TAG file information.
>
>Beverly
>
>
>
>Dear Beverly,
>
>Just wanted you to know that we are alive (although not altogether well)
>and finally heard about the AOC. We heard rumors while we were all in
>the
>midst of dealing with the State hearings on molycorp's final close-out
>plan
>and requests for variances. Aside from being totally immersed in this,
>several of our key people in the RCRC have been goig through major
>illnesses (one person has developed advanced stomach cancer and there
>have
>been severe flus, etc) and injuries (including my husband--bed ridden
>and
>out of commission with a major back injury, and now laid up with a a
>severely injured ankle.
>
>Anyway, as things finally slowed down I was able to make contact with
>Mark
>Purcell. He sent me copies of the AOC and the SOW. We are now trying to
>work out a chunk of time (either by phone or in person---depending on
>his
>schedule mostly) when he can work with me on translating his SOW to the
>schedule of deliverables for our application.
>
>During the time spent with the community working on the State Close-out
>plan, I was able to make contact with an community group which is
>working
>on Questa health issues. I have learned of quite a few more helth
>conditions prevalent to the community, and will be reworking that
>section
>of our application. The good news is that because of the people who
>came
>together over the State plan, we have been able to greatly increase our
>membership.
>
>Also, Mark told me the schedule given to Molycorp to present
>information,
>data, etc. necessary before the RI/FS process can begin. It is our
>understanding that Molycorp has until the end of March (possibly April
>1st--I'm awaiting confirmation on this). We will therefore attempt to
>have
>all revisions (deliverables, budget (which is effected by new
>deliverables
>schedule), etc. before this time. It woud be easier if we were not
>running
>into the holiday season.
>
>I am sure that I will be in touch with you after Mark and I complete
>some
>work together. I will probably need your invaluable guidance in working
>out the finer points on the budget, etc.
>
>David and I have had a phone installed at the cabins. While we always
>will

>be checking our answering machine here in ABQ (505) 899-0774, our number
>at
>the cabins is (505) 586-2293. If you are trying to reach me and haven't
>had any luck with the ABQ number, try the Questa one.
>
>I hope you are in much better health than most of our group has been in
>here. Hopefully things are looking up for us all (9/11 also directly
>effected David and I, and far more Northern NM people than I would have
>expected. I hope you were lucky in that situation.)
>
>Warmest regards,
>Karen Douglas
>Managing Director
>Rio Colorado Reclamation Committee
>
>
>
>
>
>
>

Sent To Karen Douglas
11/16/01

EPA United States Environmental Protection Agency

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FINAL

# Superfund Technical Assistance Grant (TAG) Program

## How to Find and Choose a Public Health Technical Advisor

The Superfund Technical Assistance Grant (TAG) Program was created and is funded and administered by the U.S. Environmental Protection Agency (EPA). The Program provides grants to eligible communities or groups living near sites proposed or listed on the National Priorities List (NPL). The Agency for Toxic Substances and Disease Registry (ATSDR) is collaborating with EPA to help communities or groups take advantage of this opportunity to hire an independent public health technical advisor to help them understand site activities and actions conducted by ATSDR. By involving an independent public health technical advisor, community members become more active participants in environmental public health activities. This fact sheet provides the who, what, where, why and how to find and utilize a public health technical advisor.

**NOTE:** If interested in applying for a TAG, please contact the EPA Regional Office in your area for information and guidance on the TAG application process.

Before beginning the process of finding the appropriate person to serve as a Public Health Technical Advisor, a citizen's group should be able to list its needs and clearly define the tasks to be performed. By doing this, group representatives will be able to discuss goals, expectations, and tasks with the potential candidates to help ensure appropriate expertise and experience to meet the needs of the community or group.

### What are the Required Qualifications for a Public Health Technical Advisor?

- ✓ Public health or related training at accredited schools of medicine, schools of public health, or accredited academic institutions of other allied disciplines (e.g., toxicology);
- ✓ Experience working on hazardous or toxic waste problems or public health issues, and communicating those problems and issues to the public;
- ✓ Ability to provide an independent review of site-related information;
- ✓ Expertise that is best suited to the concerns of the community; and
- ✓ Expertise in disciplines such as toxicology, environmental health science, epidemiology, health. science, and/or environmental medicine.

### Where Can a Group Find Potential Candidates for the Position of Public Health Technical Advisor?

TAG groups have a variety of sources available to select a public health technical advisor. Dependent upon the needs of the site and the concerns of the community, sources for locating public health technical advisors include:

- ✓ College and university departments of science, medicine, and public health;
- ✓ Local or state health departments;
- ✓ Professional or technical organizations;
- ✓ Local hospitals and medical facilities;
- ✓ Environmental consulting firms;
- ✓ Professional trade magazines and journals; and

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✓ Environmental organizations.

## What Can a Public Health Technical Advisor Do for a Citizen Group?

Groups may use TAG funds to hire a public health technical advisor to help them better understand existing technical information about a site or information that has been developed during ATSDR site activities. Based on the group's concern, it should define the role of the Public Health Technical Advisor. Examples of activities that may be performed by the Public Health Technical Advisor include:

✓ Reviewing and interpreting site-related documents and data;
✓ Meeting with the group to explain technical information about the site;
✓ Participating in public meetings to help clarify site information;
✓ Assisting in communicating public health concerns and preferences to ATSDR, state agencies, and others involved in site activities;
✓ Participating in site visits to gain a better understanding of ATSDR site activities;
✓ Attending meetings directly related to ATSDR site activities; and
✓ Participating in a one-time health and safety training.

## What Activities Are the Public Health Technical Advisor Not Allowed to Participate?

✓ Litigation or underwriting legal activities;
✓ Any legal action or proceeding regarding or affecting the site; or
✓ Development or generation of new health data.

## What is the Procedure for Hiring a Public Health Technical Advisor?

To obtain information procuring and processing applications for technical advisors, the TAG group should contact its local EPA Regional Office. For additional information on how a public health technical advisor may be utilized, the group should contact the regional EPA TAG coordinator or project officer who will include ATSDR regional staff in all consultations related to a TAG designed to hire a Public Health Technical Advisor.

Sent to Karen
11/16/01

ATSDR
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

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EPA United States Environmental Protection Agency

# Superfund Technical Assistance Grant (TAG) Program

## Background

The U.S. Environmental Protection Agency (EPA) is responsible for administering the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, otherwise known as the Superfund Program. The EPA publishes a National Priorities List (NPL), which records the most serious hazardous waste sites nationwide that have been identified as potential threats to the environment. The Superfund legislation also included a provision for EPA to establish a Technical Assistance Grant (TAG) Program intended to promote community involvement in decisions on site-specific cleanup actions at NPL sites. The TAG Program provides funding to qualified communities and citizen groups affected by a Superfund site to hire independent technical advisors to help them understand technical information and comment on site-related information. The EPA TAG rules now provide funding to allow these groups to hire independent public health technical advisors to help them understand public health site-related information developed by the Agency for Toxic Substances and Disease Registry (ATSDR). Both activities allow the community and citizens' groups to take a more active role in cleanup decisions and in protecting public health.

## How Are TAGs Used by Communities and Citizens' Groups?

TAGs are used to provide funding for the procurement of a public health technical advisor who can

- ✓ help the community understand the nature of environmental and public health hazards at a site;
- ✓ communicate and explain to the community the various stages of environmental and public health activities (e.g., exposure investigations, health studies, surveillance programs, and health promotion activities); and
- ✓ undertake activities that communicate site information to the public (e.g., newsletters and public meetings).

TAG funds may also be used to provide one-time health and safety training for the technical advisor, when approved by EPA.

## Which Public Health Activities Cannot Be Supported by TAG Funds?

TAG funds cannot be used to generate or develop new health data through biomedical testing (e.g., blood or urine testing), clinical evaluations, health studies, health surveillance activities, registry development, and/or public health interventions.

## When and How Is a Public Health Technical Advisor Chosen?

The Public Health Technical Advisor is procured after the TAG is awarded. The community or citizens' group should consider the type of technical advice needed most and whether a prospective advisor has the skills necessary to provide the advice needed. The group may use its TAG funds to hire more than one technical advisor if a combination of skills at a particular site is needed (e.g., the skills of both a toxicologist and epidemiologist may be necessary). The *Superfund TAG Handbook: Procurement-Using TAG Funds* published by EPA should be consulted for the details governing the procurement of technical advisors. It can be obtained by contacting the appropriate EPA Regional Regional TAG Coordinator identified on the attached listing.

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What Must a Candidate Have to Qualify as a Public Health Technical Advisor?

- ✓ Public health or related training at accredited schools of medicine, schools of public health, or accredited academic institutions of other allied disciplines (e.g., toxicology), and must be associated with such institutions;
- ✓ Experience working on hazardous or toxic waste problems or public health issues, and communicating those problems and issues to the public;
- ✓ Ability to provide a community with an unbiased, independent review of site-related information;
- ✓ Expertise that is best suited to the concerns of the community; and
- ✓ Expertise in disciplines such as toxicology, environmental health science, epidemiology, health science, and/or environmental medicine.

What Can a Public Health Technical Advisor Do for a Community or Citizens' Group?

- ✓ Review site-related public health documents, whether produced by ATSDR or others;
- ✓ Meet with the TAG group to explain technical information;
- ✓ Provide assistance in communicating the group's site-related concerns;
- ✓ Interpret technical information for the community;
- ✓ Participate in site visits, when possible, to gain a better understanding of ATSDR's public health site-related activities; and
- ✓ Travel to meetings and hearings related to the situation at the site.

What Is the Application Procedure for Applying for a TAG?

EPA is responsible for administering, awarding funds for, and managing the TAG Program. Groups interested in applying for TAG funds to address ATSDR environmental public health activities should send a letter of intent (LOI) along with the site name, to the appropriate EPA regional office. Attached is a listing of the EPA Regional TAG Coordinators and a listing of ATSDR regional contacts who can be consulted regarding questions about ATSDR site-specific public health activities.

Sent to Karen
11/16/01

ATSDR
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

DRAFT

EPA United States Environmental Protection Agency

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**Mark Purcell**
10/30/01 03:07 PM

To: Zana Halliday/R6/USEPA/US@EPA
cc:
Subject: Re: Molycorp TAG

Thanks Zana.

She actually called me today.

Mark

Mark sent her his SOW & copy of the AOC.

**Zana Halliday**

10/30/01 01:21 PM

To: Mark Purcell/R6/USEPA/US@EPA
cc: Beverly Negri/R6/USEPA/US@EPA, (bcc: Zana Halliday/R6/USEPA/US)
Subject: Re: Molycorp TAG

Here is Karen's address:

Ms. Karen Douglas
Managing Director
Rio Colorado Reclamation Committee
4601 Montano NW, Apt. 116
Albuquerque, NM 87120

If you need any other info. give me a call or send an e-mail.

Zana
Have a nice day.

Sent regular mail
Zfh

8/9/01 Since you told me on 8/8/01 that you would be in Questa for 10 days, I sent the original, Fed Ex, overnite mail, to Questa.
Zana Halliday
U.S. EPA
Superfund
TAG Asst.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

August 9, 2001

Ms. Karen Douglas
Managing Director, Rio Colorado Reclamation Committee
4601 Montano NW, Apt. 116
Albuquerque, NM 87120

Re: Molycorp Inc. Superfund Site
Technical Assistance Grant (TAG) Application

Dear Ms. Douglas:

This letter is in response to your July 25, 2001, telephone conversation with Zana Halliday. I am confirming the information that Ms. Halliday and you discussed during your call.

In response to the U.S. Environmental Protection Agency's (EPA) request for a local street/mailing address in Questa, NM for the Rio Colorado Reclamation Committee so that we can send you TAG related correspondence, you provided the address below for our use when you are in Questa. We understand that you will notify us when we need to use this mailing address. Otherwise we will mail any correspondence to the Albuquerque address that was on the cover of the TAG application.

Brooke Tatum-Engel and Bill Engel
2384 Old Red River Road
Questa, NM 87556

Below are the questions and answers you and Ms. Halliday discussed during your telephone conversation.

Q. In redoing the Standard Form (SF) 424A budget page, Sec. A and B, what information goes in each category?
A. Even though the budget information was included in the application's Narrative Statement, the Region 6 Grants Administration Office requires that the budget figures are placed on the SF 424A Object Class Categories, Sec. A and B. As mentioned on page 2, #5 in our July 25, 2001 letter, if the projected travel costs are intended for the TAG's Technical Advisor (TA) the dollar amount should be placed in 6.B.f., Contractual services category along with the dollar figures already designated for the TA contract. The TA is allowed travel expenses, but the grantee is not to use federal funding for travel costs.

Q. If a manager/administrator is hired to manage the TAG, and they can be paid, does

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (40% Postconsumer)

that money go under Personnel, Sec. B.6.a. on the SF424A?
A. Yes, a TAG administrator can be hired using TAG funds and the dollar figure should be placed in the Personnel category if the administrator is a member of the TAG recipient group. (If the TAG administrator is hired through a contracting process, the dollar figures should be placed in the SF 424A Object Class Categories, 6.B.f. Contractual services category.

Q. The Rio Colorado Reclamation Committee is working on their Articles of Incorporation. But, the TAG application has not been sent to the New Mexico Single Point of Contact (SPOC). I talked to Mr. Ken Hughes, New Mexico SPOC, about the application and he will let me know if he wants only the front page of the TAG application or the whole application. Mr. Hughes said, "We never turned down this kind of application." When Ms Halliday inquired why did you not just send the application to the SPOC, you stated that you did not think that was necessary if he decided to only ask for the front page.
A. Ms. Halliday reminded you that until EPA receives a copy of the SPOC's response letter, the TAG cannot be awarded. We must also have the EIN number before the TAG can be awarded. (Although you did not discuss the issue of your incorporation process with Ms. Halliday, I would like to remind you that we must receive a copy of the Rio Colorado Reclamation Committee's Articles of Incorporation before EPA can award the TAG.)

Q. Should I check yes or no on the Pre-award Compliance Form, Line item VIII and Line item IX?
A. Please place an "NA" as a response to both questions.

Q. Has Ms. Negri heard if there were any negotiations going on between Marc Purcell, the site Remedial Project Manager and Molycorp? I understand that if there is no site activity, the TAG would be on hold forever.
A. The TAG process is separate from any "enforcement negotiations", as the TAG's purpose is to provide funds for the impacted community to hire a TA to keep the community informed about site-related activity, no activity, etc. (In your TAG application cover letter you indicated that Marc had hoped that the site remedial activity might start in September. In my cursory review of the TAG application's Statement of Work (SOW) I did note that your SOW was phrased in very general terms and no deliverables were listed. When I talked with Mr. Purcell, he told me that you had not yet received a copy of his draft technical SOW and that he could not send it to you until after the beginning of the next fiscal year. He asks that you contact him after October 1, 2001, at 1.800.533.3508. As Ms. Halliday told you, the Region 6 Grants Administration Office cutoff date for receiving TAG decision memos for this fiscal year was July 12, 2001. We will award no new TAGs until after October 1, 2001. So the timing for the revision of your SOW is excellent.)

**Q.** Do all these forms I am completing have to be held until I receive the SPOC response?
**A.** Even though no new TAGs will be awarded until after the new fiscal year, please send the completed forms to EPA so that we can review them. (If we already have all of the corrected required forms and we have received your revised SOW, the decision memo can be written very quickly.)

I hope we have answered all of your TAG related questions. If Ms. Halliday or I can be of further assistance, please call either one of us on the toll-free telephone line, 1.800.533.3508.

Sincerely yours,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Marc Purcell (6SF-LP)

**Zana Halliday**

08/09/01 03:47 PM

To: Mark Purcell/R6/USEPA/US@EPA, Michael Boydston/R6/USEPA/US@EPA, Darlene Coulson/R6/USEPA/US@EPA

cc: Beverly Negri/R6/USEPA/US@EPA

Subject: Molycorp on TAG applicant deficiencies/missind docs.

We sent a second letter, dated August 9, to applicant, Karen Douglas, Rio Colorado Reclamation Committee covering a telecon received from her on 8/8/01. This letter again tells applicant of deficiencies in her application for a TAG.

molycorp.w

August 9, 2001

Ms. Karen Douglas
Managing Director, Rio Colorado Reclamation Committee
4601 Montano NW, Apt. 116
Albuquerque, NM 87120

Re: Molycorp Inc. Superfund Site
Technical Assistance Grant (TAG) Application

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Brooke Tatum-Engel and Bill Engel
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Below are the questions and answers you and Ms. Halliday discussed during your telephone conversation.

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**A**. Even though the budget information was included in the application's Narrative Statement, the Region 6 Grants Administration Office requires that the budget figures are placed on the SF 424A Object Class Categories, Sec. A and B. As mentioned on page 2, #5 in our July 25, 2001 letter, if the projected travel costs are intended for the TAG's Technical Advisor (TA) the dollar amount should be placed in 6.B.f., Contractual services category along with the dollar figures already designated for the TA contract. The TA is allowed travel expenses, but the grantee is not to use federal funding for travel costs.

**Q**. If a manager/administrator is hired to manage the TAG, and they can be paid, does

that money go under Personnel, Sec. B.6.a. on the SF424A?
A. Yes, a TAG administrator can be hired using TAG funds and the dollar figure should be placed in the Personnel category if the administrator is a member of the TAG recipient group. (If the TAG administrator is hired through a contracting process, the dollar figures should be placed in the SF 424A Object Class Categories, 6.B.f. Contractual services category.

Q. The Rio Colorado Reclamation Committee is working on their Articles of Incorporation. But, the TAG application has not been sent to the New Mexico Single Point of Contact (SPOC). I talked to Mr. Ken Hughes, New Mexico SPOC, about the application and he will let me know if he wants only the front page of the TAG application or the whole application. Mr. Hughes said, "We never turned down this kind of application." When Ms Halliday inquired why did you not just send the application to the SPOC, you stated that you did not think that was necessary if he decided to only ask for the front page.
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A. Please place an "NA" as a response to both questions.

Q. Has Ms. Negri heard if there were any negotiations going on between Marc Purcell, the site Remedial Project Manager and Molycorp? I understand that if there is no site activity, the TAG would be on hold forever.
A. The TAG process is separate from any "enforcement negotiations", as the TAG's purpose is to provide funds for the impacted community to hire a TA to keep the community informed about site-related activity, no activity, etc. (In your TAG application cover letter you indicated that Marc had hoped that the site remedial activity might start in September. In my cursory review of the TAG application's Statement of Work (SOW) I did note that your SOW was phrased in very general terms and no deliverables were listed. When I talked with Mr. Purcell, he told me that you had not yet received a copy of his draft technical SOW and that he could not send it to you until after the beginning of the next fiscal year. He asks that you contact him after October 1, 2001, at 1.800.533.3508. As Ms. Halliday told you, the Region 6 Grants Administration Office cutoff date for receiving TAG decision memos for this fiscal year was July 12, 2001. We will award no new TAGs until after October 1, 2001. So the timing for the revision of your SOW is excellent.)

**Q.** Do all these forms I am completing have to be held until I receive the SPOC response?

**A.** Even though no new TAGs will be awarded until after the new fiscal year, please send the completed forms to EPA so that we can review them. (If we already have all of the corrected required forms and we have received your revised SOW, the decision memo can be written very quickly.)

I hope we have answered all of your TAG related questions. If Ms. Halliday or I can be of further assistance, please call either one of us on the toll-free telephone line, 1.800.533.3508.

Sincerely yours,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Marc Purcell (6SF-LP)

bcc: Boydston (6RC-S)
Coulson (6MD-RX)
TAG File (6SF-PO)

**Zana Halliday** To: Beverly Negri/R6/USEPA/US@EPA

08/08/01 01:44 PM

cc:
Subject: Molycorp Application deficiencies

TELECON
August 8, 2001

Re: Molycorp Inc. Superfund Site
Questa, New Mexico
TAG Application

Caller: Karen Douglas
Managing Director
Rio Colorado Reclamation Committee
4601 Montano NW, Apt. 116
Albuquerque, NM 87120
Ph: 505-899-0774

Caller had questions in response to our EPA letter sent her on July 25, 2001, wherein we asked for completion of missing forms, and redoing the budget items on the application for a TAG. Conversation/questions are as follows:

In response to EPA request for a local street/mailing address in Questa , NM for mailing packages, FedEx, it is:

Brooke Tatum-Engel and Bill Engel
2384 Old Red River Road
Questa, NM 87556

Karen states this is to be used if she is in Questa. Therefore she will need to notify us if we have a package to mail, so we can use the correct address.

Q: Redoing the budget page, Sec. A and B, what information goes in each category?

A: I told her even tho she included info. in narrative statement, the Grants people need the info. in SF-424, Sec. A and B filled in. I told her if travel is for TA, is should be placed under contractual with the monies already marked for a Technical Advisor. (TA). I told that travel expenses was an eligible item for the TA, but not the grantee. I also reminded her that we had to have the EIN number before grant can be awarded.

Q. If a manager is hired to manage the TAG, and they can be paid, does that money go under Personnel, Sec. B.6.a.

A. Yes, they can be paid, and it will be put under personnel costs.

Q. Articles of Incorporation. They are being worked on. They have not sent the application to the SPOC. Karen stated she had talked to Ken Hughes, SPOC, New Mexico, about the application and he was to let her know if he wanted only the front page or the whole application. She said Mr. Hughes told her "they never turned down this kind of application".

A. I asked her why she had not just sent the application to him, but she didn't think that was necessary if he decided to only ask for the front page. I reminded her that until we receive the letter of response from SPOC, the TAG would not be awarded by Grants Section.

Q. Pre-award compliance Form. Line item VIII, and Line item IX. She asked which she should check, yes or no.

A. I told her to put NA, in both questions, as the TAG is not involved in these questions.

Q. Caller asked if Beverly had heard if there were any negotiations going on between Mark Purcell-EPA, and Molycorp. She understood that if no activity, that the TAG would be on hold forever.

A. The TAG is separate from any "negotiations", as its purpose is to keep the community informed of activity, no activity, any happenings. I told her award of the TAG was not influenced by anything else. I also told her that the grant cutoff for awarding grants this fiscal year was July 12, 2001, and that new grants would not be awarded until after the new fiscal year which starts October 1, 2001.

Q? Do all these forms she is completing have to be held until she received the SPOC response?

A. I told her to go ahead and send them in so that we could be reviewing them, even tho no new grants were being awarded until after the new fiscal year.

She needs to be reminded that the Articles of Incorporation need to be in place in EPA before a grant can be awarded.

Note: to TAG file. I forgot to give her a cutoff date in July 25th letter. I should have included the paragraph: " Please note that you have 90 days from the date of this letter to complete your final application and send it to the EPA."

July 25, 2001

Ms. Karen Ross Douglas
Managing Director
Rio Colorado Reclamation Committee
4601 Montano NW, Apt. 116
Albuquerque, NM 87120

Re: Molycorp, Inc., Superfund site
Rio Colorado Reclamation Committee
Technical Assistance Grant Application

Dear Ms. Douglas:

The U.S. Environmental Protection Agency (EPA) received your Technical Assistance Grant (TAG) application on July 23, 2001. The EPA administrative review of your application has been completed and we noted that several required forms/documents were missing, or are incomplete. In order to expedite your application, we are addressing the deficiencies noted and which are required in your application. All these forms must be completed and returned to EPA before the application can be reviewed for technical completeness and be processed.

1. We can process the application but cannot award a Technical Assistance Grant (TAG) until you are incorporated as a non-profit organization for the express purpose of applying and being considered for a TAG.

2. When the Rio Colorado Reclamation Committee community has been incorporated, EPA needs to receive a copy of the Articles of Incorporation.

3. The Clearinghouse Intergovernmental Review documentation is missing. You need to provide EPA evidence of the date the application was sent to the State Single Point of Contact (SPOC) and the SPOC's response. The SPOC page in the application package states, "SPOCs are responsible for the coordination of your proposed project through the Intergovernmental Review Process." (Information page enclosed)

4. On the SF-424, Item 6. Employer Identification Number (EIN) is missing. This number is required before a TAG can be awarded. We realize that until you are incorporated you will not be able to provide us with the EIN.

5. On the SF-424A, you need to complete the Budget information in Section B.6. Object Class Categories. Complete line items B.6.a, c, d (if applicable) f, (contractual), and h. on the actual form as we discussed in our July 23rd telephone conversation. The cost and travel for a Technical Advisor (TA) should be reflected in 6.B.f. Contractual services. Incorporation fees should be placed under Section B.6.h. Other. (Form enclosed)

6. The Key Contact Form is missing. While the Agency Director and/or the Program/Project Director may be the same individual, neither one can serve as the Finance Director. (Form enclosed)

7. EPA Form 4700-4, Pre-Award Compliance Review Report is missing from your application packet. (Form enclosed)

8. EPA Form 5700-48, Procurement System Certification, is missing from your application. (Form enclosed)

9. Form SF-LLL, Certification Regarding Lobbying, has been revised by EPA. Please complete both Section A and B of the revised form and return it to EPA. (Form enclosed)

9. EPA Form SF-3881, "EFT/Miscellaneous Payment Enrollment Form" needs to be completed and taken to your bank. The bank will complete the part indicated "Financial Institution Information" and this document should then be submitted to the EPA. This document enables the EPA to electronically send your Request for Reimbursement payments directly to the bank within three to four days after processing. (Form enclosed)

Contact me at 214-665-8157, or 1-800-533-3508, if you need additional help in finalizing the TAG application or if you have any questions about the application process.

Sincerely yours,

Beverly Negri

Beverly Negri
TAG Project Officer

Enclosures

cc: Electronic w/o enclosures
Purcell (LF-AP)
Boydston (6RC-S)
Coulson (6MD-RX)
TAG File (6SF-PO

Sent elec. mail
7/25/01
6:45 AM

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Enviromental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733
Attn: Zana Halliday (6SF-PO)

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Karen R. Douglas
Managing Director
Rio Colo. Reclamation Comm.
4601 Montano NW, Apt. 116
Albuquerque, NM 87120

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly): KAREN ROSS DOUGLAS
B. Date of Delivery: 8/1/01

C. Signature: X Karen Ross Douglas
☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED AUG 1 2001 USPS

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)
7099 3220 0001 4459 7059

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

U.S. Postal Service
**CERTIFIED MAIL RECEIPT**
*(Domestic Mail Only; No Insurance Coverage Provided)*

7094 2550 0001 4459 7059

Article Sent To:
Karen R. Douglas, Managing Dir.

| | |
|---|---|
| Postage | $ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | $ |

Postmark Here

Name (Please Print Clearly) (To be completed by mailer)
Rio Colo. Reclamation Comm.
Street, Apt. No.; or PO Box No.
4601 Montano NW, Apt. 116
City, State, ZIP+4
Albuq. NM 87120

PS Form 3800, July 1999 See Reverse for Instructions

(Verified 9/18/00)

STATE SINGLE POINTS OF CONTACT (SPOC)

State SPOC's are responsible for the coordination of your proposed project through the Intergovernmental Review Process. Instructions for intergovernmental review are outlined under Part Two, and for Item 16 on the Application for Federal Assistance, Standard Form 424A Face Sheet.

ARKANSAS:
Mr. Tracy L. Copeland, manager
State Clearinghouse
Office of Intergovernmental Service
Department of Finance and Administration
1515 West 7th Street, Room 412
Little Rock, AR 72203
Phone: 501-682-1074

LOUISIANA:
Mr. James P. Antoon, Chairman
Louisiana Single Point of Contact for EPA Grants
P.O. Box 82231
Baton Rouge, LA 70884-2231
Phone: 225-765-0647

NEW MEXICO:
Mr. Ken Hughes, Single Point of Contact
New Mexico State Clearinghouse
Local Government Division
201 Bataan memorial Building
Santa Fe, NM 87503
Phone: 505-827-4370

OKLAHOMA: Oklahoma does not have a State Single Point of Contact. You must Contact and/or submit your application, or summary thereof, to all area wide planning agencies, such as Council of Governments, that will be impacted by your proposed project/program. See General Instructions under Part Two for Intergovernmental Review. (Part 29, Fed. Regs.)

TEXAS:
Ms. Denise Francis
State Single Point of Contact
Governor's Office, Budget and Planning
State Insurance Building, Room 2.114
1100 San Jacinto
Austin, TX 78701 (Use street address if sending package
Phone: 512-463-8465 Via Fed-Ex or Certified)

P.O. Box 12428
Austin, TX 78711 (If package sent regular mail)

## Instruction to Applicants

### EVIDENCE OF COMPLIANCE WITH INTERGOVERNMENTAL REVIEW

Executive Order 12372, "Intergovernmental Review of Federal Program," established a new intergovernmental review process which provided State an opportunity to develop a flexible state-administered process of intergovernmental consultation with State, regional, areawide, and/or local planning agencies. **A state is not required to establish a state process or to select all of EPA's assistance programs to be reviewed through the state process.** However, the Executive Order and EPA's regulation at 40 CFR Part 29 also implemented two other existing Federal statutes requiring intergovernmental consultation with State and local elected officials.

### WHERE A STATE PROCESS HAS BEEN ESTABLISHED

The EPA program for which you are applying may be subject to your State's intergovernmental review process and/or the consultation requirements of Section 204, Demonstration Cities and Metropolitan Development Act, and/or Section 401, Intergovernmental Cooperation Act. You must contact your State Clearinghouse/Single Point of Contact to find out if the program was selected for coverage by the State process and to receive information about your State's review process requirements and procedures. Include with you application to EPA any information received from the State Clearinghouse/SPOC. This should include their comments and the State Application Identifier for Block #2 on the S.F. 424. If you do not have the SAI number, be sure to complete Block #16 on the S.F. 424.

### WHERE A STATE PROCESS EXISTS BUT EXCLUDES A COVERED PROGRAM OR WHERE A STATE PROCESS DOES NOT EXIST

Even though the functions of your State Clearinghouse/Single Point of Contact may have been terminated or do not cover all programs eligible for review through the state process, the EPA program for which you are applying may be subject to the consultation requirements of Section 204, "Demonstration Cities and Metropolitan Development Act," and/or Section 401, "Intergovernmental Cooperation Act." If so, you must notify areawide metropolitan or regional planning agencies and/or general government units authorized to govern planning for the locale of your project of your intended application. Your application to EPA must be accompanied by the comments and recommendations of these planning entities and by a statement from you that such comments and recommendations have been considered prior to formal submission of the application to EPA. Complete the data sheet below and mail to EPA to establish the start date for the comment period.

**EPA WILL NOT PROCESS YOUR APPLICATION WITHOUT EVIDENCE OF YOUR COMPLIANCE WITH EITHER PROCESS DESCRIBED ABOVE**

**INDIAN TRIBAL GOVERNMENTS ARE EXEMPT FROM INTERGOVERNMENTAL REVIEW**
**REFER TO THE DATA SHEET FOLLOWING THESE INSTRUCTIONS**

# APPLICATION FOR FEDERAL ASSISTANCE

| | |
|---|---|
| 2. DATE SUBMITTED | Applicant Identifier |
| 3. DATE RECEIVED BY STATE | State Application Identifier |
| 4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier |

**1. TYPE OF SUBMISSION**

| Application | Preapplication |
|---|---|
| ☐ Construction<br>☐ Non-Construction | ☐ Construction<br>☐ Non-Construction |

**5. APPLICANT INFORMATION**

| | |
|---|---|
| Legal Name: | Organizational Unit: |
| Address (give city, county, state, and zip code): | Name and telephone number of the person to be contacted on matters involving this application (give area code) |

**6. EMPLOYER IDENTIFICATION (EIN):**
__-_____

**7. TYPE OF APPLICANT:** (enter appropriate letter here) ___

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School District
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

**8. TYPE OF APPLICATION:**
☐ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A. Increase Award B. Decrease Award
C. Increase Duration D. Decrease Duration
Other Specify:
_____

**9. NAME OF FEDERAL AGENCY:**

**10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:** __.___
TITLE:

**11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:**

**12. AREAS AFFECTED BY PROJECT** (cities, counties, states, etc.):

**13. PROPOSED PROJECT:**

| Start Date | End Date |
|---|---|
| | |

**14. CONGRESSIONAL DISTRICT OF:**

| a. Applicant | b. Project |
|---|---|
| | |

**15. Estimated Funding:**

| | |
|---|---|
| a. Federal | $ |
| b. Applicant | $ |
| c. State | $ |
| d. Local | $ |
| e. Other | $ |
| f. Program Income | $ |
| g. TOTAL | $ |

**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESSES FOR REVIEW ON:

DATE _____

b. NO.
☐ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**
☐ Yes If "Yes" attach an explanation. ☐ No

**18.** TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

| | | |
|---|---|---|
| a. Typed Name of Authorized Representative | b. Title: | c. Telephone Number |
| d. Signature of Authorized Representative | | e. Date Signed |

Previous Editions Not Usable

Standard Form 424A (REV 4-88)
Prescribed by OMB Circular A-102

AUTHORIZED FOR LOCAL REPRODUCTION

# BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

## SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. | | $ | $ | $ | $ | $ |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. TOTALS | | $ | $ | $ | $ | $ |

## SECTION B - BUDGET CATEGORIES

| 6. OBJECT CLASS CATEGORIES | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | Total (5) |
|---|---|---|---|---|---|
| | (1) | (2) | (3) | (4) | |
| a. Personnel | $ | $ | $ | $ | $ |
| b. Fringe Benefits | | | | | |
| c. Travel | | | | | |
| d. Equipment | | | | | |
| e. Supplies | | | | | |
| f. Contractual | | | | | |
| g. Construction | | | | | |
| h. Other | | | | | |
| i. Total Direct Charges (sum of 6a - 6h) | | | | | |
| j. Indirect Charges | | | | | |
| k. TOTALS (sum of 6i and 6j) | $ | $ | $ | $ | $ |
| | | | | | |
| 7. Program Income | $ | $ | $ | $ | $ |

## SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e) TOTALS |
|---|---|---|---|---|
| 8. | $ | $ | $ | $ |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTAL (sum of lines 8 and 11) | $ | $ | $ | $ |

## SECTION D - FORECASTED CASH NEEDS

| | (Total for 1st Year) | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---|---|---|---|---|---|
| 13. Federal | $ | $ | $ | $ | $ |
| 14. NonFederal | | | | | |
| 15. TOTAL (sum of lines 13 and 14) | $ | $ | $ | $ | $ |

## SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | FUTURE FUNDING PERIODS (Years) | | | |
|---|---|---|---|---|
| | (b) First | (c) Second | (d) Third | (e) Fourth |
| 16. | $ | $ | $ | $ |
| 17 | | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTALS (sum of lines 16 - 19) | | $ | $ | $ |

## SECTION F - OTHER BUDGET INFORMATION
(Attach additional sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:



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# INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

| Item: | Entry: |
|---|---|
| 1. | Self-explanatory. |
| 2. | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). |
| 3. | State use only (if applicable). |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. |
| 7. | Enter the appropriate letter in the space provided. |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:<br>- "New" means a new assistance award.<br>- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br>- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |
| 9. | Name of Federal agency from which assistance is being requested with this application. |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. |

| Item: | Entry: |
|---|---|
| 12. | List only the largest political entities affected (e.g., State counties, cities). |
| 13. | Self explanatory. |
| 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 15. | Estimated funding to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |

# INSTRUCTIONS FOR THE SF-424A

**General Instructions**
This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which required Federal authorization in annual or other funding period increments. In the latter case, Section A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories show in Lines a - k of Section B.

**Section A. Budget Summary**
**Lines 1 - 4, Columns (a) and (b)**

For applications pertaining to a *single* federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

**Lines 1 - 4, Columns (c) through (g).**
For *new* applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

**Lines 1 - 4 Columns (c) through (g). (continued)**
For *continuing grant program* applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

*For supplemental grants and changes to existing grants,* the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

**Line 5** - Show the totals for all columns used.

**Section B. Budget Categories**
In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1 - 4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function, or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

**Lines 6a-i** - Show the totals of Lines 6 a to 6h in each column.

**Line 6j** - Show the amount of indirect cost.

**Line 6k** - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

**Line 7** - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

**Section C. Non-Federal-Resources**

**Lines 8-11** - Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

**Column (a)** - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

**Column (b)** - Enter the contribution to be made by the applicant.

**Column (c)** - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agency should leave this column blank.

**Column (d)** - Enter the amount of cash and in-kind contributions to be made from all other sources.

**Column (e)** - Enter totals of Columns (b), (c), and (d).

**Line 12** - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

**Section D. Forecasted Cash Needs**

**Line 13** - Enter the amount of cash needed by quarter from the grantor agency during the first year.

**Line 14** - Enter the amount of cash from all other sources needed by quarter during the first year.

**Line 15** - Enter the totals of amounts on Lines 13 and 14.

**Section E. Budget Estimates of Federal Funds Needed for Balance of the Project**

**Lines 16-19** - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

**Line 20** - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

**Section F. Other Budget Information**

**Line 21** - Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

**Line 22** - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

**Line 23** - Provide any other explanations or comments deemed necessary.

# ASSURANCES - NON-CONSTRUCTION PROGRAMS

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of the project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statues relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 795), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination of the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provision of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a-7), the Copeland Act (40 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.



AUTHORIZED FOR LOCAL REPRODUCTION

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuance to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplain in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S. C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.)

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
|---|---|
| APPLICANT ORGANIZATION | DATE SUBMITTED |

# KEY CONTACTS

## AGENCY/ORGANIZATION DIRECTOR

**(Individual who is authorized to sign the assistance agreement application and award acceptance.)**

**NAME:** _____

**TITLE:** _____

**ADDRESS:** _____

_____

**TELEPHONE:**_____ **EMAIL**_____

## PROGRAM/PROJECT DIRECTOR

**(Technical program director or person responsible for the project as a contact person in Block #5 of the application.)**

**NAME:** _____

**TITLE:** _____

**ADDRESS:** _____

_____

**TELEPHONE:**_____ **EMAIL**_____

## FINANCE DIRECTOR

**(Individual responsible for maintaining the accounting and financial management system supporting expenditures, preparing the financial reports, etc.)**

**NAME:** _____

**TITLE:** _____

**ADDRESS:** _____

_____

**TELEPHONE:**_____ **EMAIL**_____

# PRE-AWARD COMPLIANCE REVIEW REPORT

## EPA Form 4700-4

GRANT APPLICATION WILL NOT BE PROCESSED IF THIS FORM IS NOT SUBMITTED.

As required by 40 CFR Part 7, all applicants must include a completed EPA Form 4700-4, Pre-Award Compliance Review Report, with any/all requests for Federal financial assistance.

State applicants may submit the form annually with the other required yearly certifications.

All applicants must complete Sections I through V. Sections VI through IX must be completed if applicable to assisted program. If any of the information in Sections VI through IX is not relevant to the project or program for which assistance is requested, please enter "NA" or "Not Applicable". Loan recipients under EPA funded grantee revolving loan programs shall also complete and submit the form to the State agency authorizing the loan. Applicants for Hardship Grants Program for Rural Communities shall also complete and submit the form to the appropriate State agency.

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Any questions relating to these requirements should be directed to the Regional EEO Officer, Nellie Roblez at 214-665-6505.

United States Environmental Protection Agency
Washington, DC 20460

# Preaward Compliance Review Report for All Applicants Requesting Federal Financial Assistance

FORM Approved
OMB No. 2090-0014
Expires 4-30-99

Note: Read instructions on reverse side before completing form.

| I. A. Applicant (Name, City, State) | B. Recipient (Name, City, State) | C. EPA Project No. |
|---|---|---|
| | | |

II. Brief description of proposed project, program or activity.

III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient? Yes No
If yes, list those complaints and the disposition of each complaint.

IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance? Yes No
If yes, list those compliance reviews and status of each review.

V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity? Yes No
If yes, list the other Federal Agency(s), describe the associated work and the dollar amount of assistance.

VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.

| VII. Population Characteristics | Number of People |
|---|---|
| 1. A. Population of Entire Service Area | |
| B. Minority Population of Entire Service Area | |
| 2. A. Population Currently Being Served | |
| B. Minority Population Currently Being Served | |
| 3. A. Population to be Served by Project, Program or Activity | |
| B. Minority Population to be Served by Project, Program or Activity | |
| 4. A. Population to Remain Without Service | |
| B. Minority Population to Remain Without Service | |

VIII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons? Yes No
If no, explain how a regulatory exception (40 CFR 7.70) applies.

IX. Give the schedule for future projects, programs or activities (or of future plans), by which services will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why.

X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledg that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

| A. Signature of Authorized Official | B. Title of Authorized Official | C. Date |
|---|---|---|
| | | |

For the U.S. Environmental Protection Agency

| Approved Disapproved | Authorized EPA Official | Date |
|---|---|---|
| | | |

EPA Form 4700-4 (Rev. 1/90) Previous editions are obsolete.

HELPFUL HINTS ON HOW TO COMPLETE SELECTED ITEMS FOR THE PRE-AWARD COMPLIANCE REPORT - EPA FORM 4700-4

I.A/B Listing a contact and telephone number so that you may be contacted, will expedite processing of the form, should additional information/clarification of your response be needed.

I.C Listing the EPA grant project number will ensure proper tracking of your submitted form.

II. The response should be such that the approving official can determine if the grant involves training, research, construction, non-construction, or other types of projects. This aids the approving official in determining whether answers to other questions are adequate or not.

III. If there are pending civil rights complaints or lawsuits, it would be helpful to identify the basis of the complaint/lawsuit (race, sex, national origin, etc.), and to give a brief description of the issues involved. If the case has not reached final disposition, give a current status of the case.

VII. Population characteristic figures can be obtained from the current U. S. Census data. In some instances, lines 4.A and 4.B are being left blank. The numbers in this line should be that segment of the population not listed in numbers 2 and 3.

Not all grant projects lend themselves to servicing a particular segment of the population. If this is the case, a brief explanation of who the beneficiaries of the project are will be sufficient.

VIII. The most common response given is "not applicable," however, this response is not appropriate. The answer should be either "yes" or "no". If you answer "no", then a brief statement is necessary of how the exception to regulation 40 CFR 7.70 applies.

The regulation in 40 CFR 7.70 states that "new facilities shall be designed and constructed to be readily accessible and usable by handicapped persons..." The exception is that accessibility "...shall not apply to the design, construction of alteration of any portion of a building that, because of its intended use, will not require accessibility to the public beneficiaries or result in the employment or residence therein of physically handicapped persons."

If you answer "no", your explanation should therefore be to the effect that your project is not a construction project, or if it is (and the exception applies), that it is not intended for use by the public beneficiaries, nor result in the employment of handicapped persons. Again, "not appropriate" is an inappropriate response.

We hope that this information will assist you in completing the 4700-4 form, but if you have any questions on how to complete any of the items on the 4700-4 form, please call Nellie Roblez, Equal Employment Opportunity Officer at 214-665-6505.

## Instructions
### General

Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the title shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment).

Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of The Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual shall solely by reason of handicap be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of handicap is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person on the basis of sex shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution.

The information on this form is required to enable the U.S. Environmental Protection Agency to determine whether applicants and prospective recipients are developing projects, programs and activities on a nondiscriminatory basis as required by the above statutes.

Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission.

If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable."

In the event applicant is uncertain about how to answer certain questions, EPA program officials should be contacted for clarification.



## ITEMS

IA. "Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance.

IB. "Recipient" means any entity, other than applicant, which will actually receive EPA assistance.

IC. Self-explanatory.

II. Self-explanatory.

III. "Civil rights lawsuits" means any lawsuit or complaint alleging discrimination on the basis of race, color, national origin, sex, age, or handicap pending against the applicant and/or entity which actually benefits from the grant. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed.

IV. "Civil rights compliance review" means any review assessing the applicant's and/or recipient's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or handicap. If any part of the review covered the entity which will actually benefit from the grant, it should be listed.

V. Self-explanatory.

VI. The word "community" refers to the area under the applicant's and/or recipient's jurisdiction. The "community" might be a university or laboratory campus, or a community within a large city. If there is significant disparity between minority and nonminority populations to receive service, not otherwise satisfactorily explained, the Regional office may require a map which indicates the minority and nonminority population served by this project, program or activity.

VII. This information is required so that reviewers may determine if a disparity in the proposed provision of services will exist in the event the application is approved for funding. Give population of recipient's jurisdiction, broken out by categories as specified.

In the event the applicant cannot provide the requested information because the funds will be distributed over a wide demographic area which is yet to be determined, an explanation may be provided on a separate sheet. For example, a State applying for a capitalization grant under the State Revolving Fund program may not know which cities and counties will apply for, and receive, SRF loans.

VIII. Self-explanatory.

IX. "Jurisdiction" means the geographical area over which applicant has the authority to provide service.

X. Self-explanatory.

### "Burden Disclosure Statement"

EPA estimates public reporting burden for the preparation of this form to average 30 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

Form Approved
OMB No. 2030-002
Approval Expires 12/31/92

# EPA PROCUREMENT SYSTEM CERTIFICATION

APPLICANT'S NAME _____

ASSISTANCE APPLICATION NUMBER _____

APPLICANT'S ADDRESS _____

_____

_____

## SECTION I - INSTRUCTIONS

The applicant must complete and submit a copy of this form with each application for EPA Assistance. If the applicant has certified its procurement system to EPA within the past 2 years and the system has not been substantially revised, complete Part A in Section II, then sign and date the form. If the system has not been certified within the past 2 years, complete Part B, then sign and date the form.

## SECTION I -CERTIFICATION

A. I affirm that the applicant has within the past 2 years certified to EPA that its procurement system complies with 40 CFR Part 33 and that the system meets the requirements in 40 CFR Part 33. The date of the applicant's latest certification is:

MONTH/YEAR _____

B. Based upon my evaluation of the applicant's procurement system, I, as authorized representative of the applicant: *(Check one of the following.)*

___1. *CERTIFY* that the applicant's procurement system will meet all of the requirements of 40 CFR Part 33 before undertaking any procurement action with EPA assistance.

Please furnish citations to applicable procurement ordinances and regulations:

___2. *DO NOT CERTIFY THE APPLICANT'S PROCUREMENT SYSTEM.* The applicant agrees to follow the requirements of 40 CFR Part 33, including the procedures in Appendix A, and allow EPA preaward review of proposed procurement actions that will use EPA assistance.

TYPED NAME AND Title

_____

SIGNATURE

DATE

_____ _____

EPA Form 5700-48 (Rev. 11-90) Previous edition is obsolete.

# TO BE OR NOT TO BE CERTIFIED

Procurement System Certification - Limited EPA Procurement Oversight

Non-Procurement System Certification - EPA May Review All Contracts

KEY POINTS:

- Under 40 CFR Part 35, Subpart O, recipients may use their own procurement policies and procedures when conducting procurement for Superfund responses.

- To certify its system, a recipient must evaluate its own procurement system to determine if the system meets the intent of the requirements of 40 CFR Part 35, Subpart O. After evaluation its procurement system, the applicant or recipient must complete the "procurement System Certification" (EPA Form 5700-48) and submit the form to the EPA with its application. (40 CFR 35.6550(a))

- If the recipient certifies that its procurement system meets the full intent of 40 CFR part 35, Subpart O, the EPA will have limited oversight responsibilities. (40 CFR 35.6550)

- If the recipient's system is not certified, the recipient must follow the requirements set up in 40 CFR part 35, Subpart O and must allow the EPA pre-award review of all proposed procurement actions under the cooperative agreement.

- EPA oversight of procurement includes reviewing the recipient's evaluation of a contractor's capability to perform the work for which they were contracted, the recipient's solicitation process, and compliance with procurement requirements, such as using minority- and women-owned business enterprises.

- A recipient must certify its system once every two years, unless the assistance agreement specifies a longer project duration.

- Recipients are encouraged to seek assistance from the EPA at all stages of the procurement process. It is particularly important that recipients consult with EPA when a procurement may be controversial. The Region plays an important role in providing this assistance by offering appropriate technical, financial, administrative, and legal experts who can address the issues.

# CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

A. Is your organization classified as nonprofit? YES_____ NO_____

If Yes, what is the IRS classification? 501(c)(3)_____ 501(c)(4)_____ Other_____

B. Does the organization engage in lobbying? YES_____ NO_____

***If you answered Yes to both questions and your Agency is classified as a 501(c)(4) organization who engages in lobbying activities, your organization is ineligible for receipt of Federal funds. Please do not submit an application.***

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the enetering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influenece an officer or employee of any agency, a Member of Congress, an Officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shalll certifiy and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any persons who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____ _____

Head of Agency or Organization Date

_____

Type Name & Title

Name and Address of Agency/Organization:

_____

_____

_____

_____

NOTE: Use of this format is optional. You may provide this same information on your letterhead.

Information on Lobbying Restrictions based on EPA Office of General Counsel Guidance

GUIDANCE ON LOBBYING RESTRICTIONS

The purpose of this guidance is to remind nonprofit organizations, universities, and other non-government recipients of EPA grants[1] that, with very limited exceptions, you may not use Federal grant funds or your cost-sharing funds to conduct lobbying activities. The restrictions on lobbying are explained in Office of Management and Budget (OMB) Circular No. A-21, "Cost Principles for Educational Institutions", 61 Fed. Reg. 20880 (May 8, 1996),[2] and OMB Circular No. A-122, "Cost Principles for Nonprofit Organizations; 'Lobbying' Revision", 49 Fed. Reg. 18260 (April 27, 1984). (The two Circulars are attached to this guidance as Attachments A and B. Additional, detailed guidance on specific issues regarding the lobbying restrictions of OMB Circular No. A-122, contained in correspondence from OMB to Congress at the time the Circular was issued, is attached here as Attachment C.) As a recipient of EPA funds, you must be aware of and comply with these restrictions.[3]

The general objective of the restrictions is to prohibit the use of appropriated funds for lobbying, publicity, or propaganda purposes designed to support or defeat legislation. The restrictions do not affect the normal sharing of information or lobbying activities conducted with your own funds (so long as they are not used to match the grant funds).

Unallowable Lobbying Activities

Under Circulars A-21 and A-122, the costs of the following activities are unallowable:

(1) Contributions, endorsements, publicity or similar activities intended to influence Federal, State or local elections, referenda, initiatives or similar processes.

2. Direct and indirect financial or administrative support of political parties, campaigns, political action committees, or other organizations created to influence elections. Recipients may help collect and interpret information. These efforts must be for educational purposes only, however, and cannot involve political party activity or steps to influence an election.

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[1] The term "grant" as used in this guidance refers to grants and cooperative agreements.

[2] Grants awarded before May 8, 1996 are subject to the previous version of Circular No. A-21, but the provisions on lobbying have remained essentially unchanged.

[3] This guidance does not address the restrictions on lobbying contained in 40 CFR Part 34, the EPA regulations implementing section 319 of P. L. No. 101-121, known as the "Byrd Amendment", generally prohibit recipients of Federal grants, contracts, and loans from using Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific grant, contract, or loan. Part 34 includes detailed certification and disclosure requirements. This guidance also does not address section 18 of the Lobbying Disclosure Act of 1995, P. L. No. 104-65, which provides that organizations described in section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are not eligible for Federal grants or loans.

(3) Attempts to influence the introducing, passing, or changing of Federal or State legislation through contacts with members or employees of Congress or State legislatures, including attempts to use State and local officials to lobby Congress or State legislatures. For example, you may not charge a grant for your costs of sending information to Members of Congress to encourage them to take a particular action. Also prohibited are contacts with any government official or employee to influence a decision to sign or veto Federal or State legislation. The restriction does not address lobbying at the local level.

(4) Attempts to influence the introducing, passing, or changing of Federal or State legislation by preparing, using, or distributing publicity or propaganda, i.e., grass roots lobbying efforts to obtain group action by members of the public, including attempts to affect public opinion and encourage group action. For example, the costs of printing and distributing to members of the public or the media a report produced under a grant, if intended to influence legislation, are unallowable.[4]

(5) Attending legislative sessions or committee hearings, gathering information about legislation, and similar activities, when intended to support or prepare for unallowable lobbying.

Exceptions

There are three exceptions to this list of unallowable lobbying activities in Circulars A-21 and A-122. These exceptions do not necessarily make the cost of these activities allowable; they make the costs potentially allowable. Allowability will be determined based on whether the costs in a particular case are reasonable, necessary, and allocable to the grant.

The first exception is for technical and factual (not advocacy) presentation to Congress, a State legislature, member, or staff, on a topic directly related to performance of the grant, in response to a request (not necessarily in writing) from the legislative body or individual. For requests that are not made in writing, recipients should make a note for their files documenting the requests. The information presented must be readily available and deliverable. Costs for travel, hotels, and meals related to the presentation are generally unallowable unless related to testimony at a regularly scheduled Congressional hearing at the written request of the chairperson or ranking minority member of the congressional committee.

The second exception is for actions intended to influence State legislation in order to directly reduce the actual cost of performing the Federal grant project or to protect the recipient's authority to perform the project. The exception does not apply to actions that are intended merely to shift costs from one source to another. For example, in response to Federal funding cutbacks, a Federally-funded recipient lobbies for State funds to replace or reduce the Federal share of project

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[4] Circular A-122 addresses public information service costs that do not relate to lobbying. Attachment B to the Circular, at paragraph 36, makes allowable, with prior approval of the Federal agency, costs associated with pamphlets, news releases and other forms of information services if their purpose is: to inform or instruct individuals, groups or the general public; to interest individuals or groups in participating in a service program of the recipient; or to disseminate the results of sponsored and non-sponsored activities.

costs for next year. The cost of that lobbying activity would not be allowable because its purpose is not to directly reduce the actual cost of preforming the work but merely to shift from Federal funding to State funding.

Finally, Circulars A-21 and A-122 allow lobbying costs if they are specifically authorized by law.

Indirect Cost Rate

When you seek reimbursement for indirect costs (overhead), you must identify your total lobbying costs in your indirect cost rate proposal so that the Government can avoid subsidizing lobbying. This is consistent with the circulars' requirement of disclosure of the costs spent on all unallowable activities. This requirement is necessary to that when the Government calculates the amount of an organization's indirect costs that it will pay, it does not include the costs of unallowable activities that the organization happens to count as indirect costs.

Enforcement

In cases of improper lobbying with grant funds, EPA may recover the misspent money, suspend or terminate the grant, and take action to prevent the recipient from receiving any Federal grants for a certain period. To avoid improper lobbying activities, please review carefully this guidance and the attachments: Circular A-21, the Lobbying Revision to Circular A-122, and the OMB correspondence. Your project officer is available to handle any questions or concerns.

DISCLOSURE OF LOBBYING ACTIVITIES

STANDARD FORM-LLL (1/96)
(SF-LLL, Disclosure of Lobbying Activities - as revised by OMB January 1996 to reflect the Lobbying Disclosure Act of 1995)

This form may be obtained via OMB's FAX-on Demand Information Line: 202-395-9068 (8880#)

or at the Internet address:

http://ww.whitehouse.gov/WH/EOP/OMB/grants/

# EFT /MISCELLANEOUS PAYMENT ENROLLMENT FORM

This form is used for Electronic Fund Transfer (EFT) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion.

## PRIVACY ACT STATEMENT

The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data, by electronic means to vendor's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

## AGENCY INFORMATION

FEDERAL PROGRAM AGENCY: U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6

AGENCY IDENTIFIER: AP 06

AGENCY LOCATION CODE (ALC): 68128906

EFT FORMAT: ☒ CCD+ ☐ CTX ☐ CTP

ADDRESS: 1445 ROSS AVENUE, SUITE 1200, 6MD-RG

CITY, STATE, & ZIP CODE: DALLAS, TX 75202

CONTACT PERSON NAME: HELEN SWAIN

TELEPHONE NUMBER: 214-665-7379

ADDITIONAL INFORMATION: PEGGY MCGHEE TELEPHONE: 214-665-7469

FAX: 214-665-7284

## PAYEE/COMPANY INFORMATION

NAME:

SSN NO./TIN /EIN NO.

ADDRESS:

CITY, STATE, & ZIP CODE:

CONTACT PERSON NAME:

TELEPHONE NUMBER:

## FINANCIAL INSTITUTION INFORMATION

NAME:

ADDRESS:

CITY, STATE, & ZIP CODE:

ACH COORDINATOR NAME:

TELEPHONE NUMBER

NINE-DIGIT ROUTING TRANSIT NUMBER: ___ ___ ___ ___ ___ ___ ___ ___ ___

DEPOSITOR ACCOUNT TITLE:

DEPOSITOR ACCOUNT NUMBER:

LOCKBOX NUMBER:

TYPE OF ACCOUNT: ☐ CHECKING ☐ SAVINGS ☐ LOCKBOX

SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL:
(Could be the same as ACH Coordinator)

TELEPHONE NUMBER:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

**Notice to U.S. Environmental Protection Agency Grantees**

From: For Rey Gomez
John Eagles, Chief
Financial Management Office

Subject: Direct Deposit, Electronic Funds Transfer Payments and Employer Identification Numbers

The Debt Collection Improvement Act of 1996, P.L. 104-134, requires that all federal payments except IRS refunds be made via Direct Deposit/Electronic Funds Transfer (DD/EFT). Agencies have until January 1999 to fully comply with the DD/EFT requirements

We have enclosed a computer generated ACH Vendor Miscellaneous Payment Enrollment Form (SF3881). Please complete this form, include your Employer Identification Number (EIN), and return the form to our office at the following address, or fax it to the number shown below. Once we receive your completed SF3881, we will begin payment to you electronically. If you previously submitted an SF3881, you do not need to submit another unless you need to revise your bank information. **Also, please advise this office immediately of any changes to your bank information.**

Send to : United States Environmental Protection Agency
Region 6 (6MD-RG)
1445 Ross Avenue Suite 1200
Dallas, Texas 75202
Attn: Peggy McGhee

OR: Fax to:
Peggy McGhee
FAX No. 214-665-7284

To assist you in associating your payments with a specific Grant Reimbursement Request, we will include your Grant and Request Number as an addendum to each EFT payment sent to your bank. You and your bank should agree how and when the addendum information will be provided to you.

We trust that you will find this method of payment prompt, effective and reliable. We look forward to your participation in the program. If you have any questions, please call Peggy McGhee at 214-665-7469 or Rey Gomez 214-665-6520.

Enclosure

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (40% Postconsumer)

January 30, 2001

MOLYCORP SF Site
Questa, NM

Chronology of events concerning applying for a TAG for Molycorp:

| | | |
|---|---|---|
| 1 | 6/19/00 | Rivers and Birds, Arroyo Seco, NM sent in Letter of Intent (LOI). |
| 2. | 7/24/00 | LOI withdrawn. |
| 3. | 6/19/00 | Rio Colo. Reclamation Committee (RCRC), Karen Douglas - LOI |
| 4. | 7/20/00 | Revised LOI from RCRC. |
| 5. | 7/25/00 | Letter to RCRC accepting their revised LOI |
| 6. | 8/3/00 | Public Notice of LOI received from RCRC |
| 7. | 8/28/00 | LOI received from Cerro Neighborhood Assn.(CNA) |
| 8. | 9/6/00 | Letter sent to RCRC accepting their request to extend application deadline to February 1, 2001. |
| 9. | 9/6/00 | Letter sent to CNA acknowledging LOI with application packet and booklets. |
| 10. | 9/6/00 | Also advised CNA that they have extended application deadline to February 1, 2001. |
| 11. | 2/1/2001 | Deadline for postmarked applications for TAG. |
| 12. | 2/8/01 | No applications received. sph |
| 13. | 7/24/01 | Appl. received from Rio Colo. Reclamation Comm. None from CNA |

Confidential

**Zana Halliday**
01/30/01 06:35 AM

To: Beverly Negri/R6/USEPA/US@EPA

cc: (bcc: Zana Halliday/R6/USEPA/US)

Subject: Molycorp TAG - LOI

1-800-533-3508
January 29, 2001
3:30 PM

Caller: Steve Blodgett
Socorro, NM
505-838-3899

Re: Molycorp SF Site
Letter of Intent (LOI) Inquiry

His call concerned any LOI's received for Molycorp TAG availability. I told him I thought there were two that had been sent in and gave him their names, (1) Rio Colorado Reclamation Committee and (2) Cerro Neighborhood Assn. DBA. I told him him both groups were sent application packets and booklets on applying for the TAG. They requested a time extension for their TAG applications to February 1, 2001.

I need to call Mr. Blodgett today and inform him that the deadline for LOI is passed, that the actual *application* had to be postmarked by February 1, 2001, otherwise we start the TAG process all over again.

8:10 – Per conversation with B. Negri, I will not ~~call~~ call him today, as I told him also if he faxed in a LOI, it had to be before 1/31/01.

1-23-? Mr. Blodgett called Zana requested a 30 day extension – I asked for him to send us a written request for a 30 day extension (3-1-01

2-8-01
no applications received as of today.

September 6, 2000

Ms. Jeannie S. Masters, Secretary
Cerro Neighborhood Association DBA
Cerro Community Center
P.O. Box 1076
Questa, NM 87556

Re: Molycorp, Inc. Superfund Site
Application for Technical Assistance Grant

Dear Ms. Masters:

Thank you for your August 28, 2000, Letter of Intent (LOI) notifying the U.S. Environmental Protection Agency (EPA) of your group's intent to apply for a Technical Assistance Grant (TAG) for the Molycorp, Inc. Superfund Site. A copy of the EPA booklets, Superfund Technical Assistance Grant (TAG) Handbook:

Applying For Your Grant
The Application Forms with Instructions
Procurement - Using TAG Funds
Managing Your Grant

and a grant application kit which includes instructions for completing the required forms, are enclosed. These booklets provide specific details on the TAG program, including group eligibility. We have an LOI from the "Rio Colorado Reclamation Committee" who is also going to apply for the Molycorp TAG. They are the primary group listed in the public notice published in the Taos News on August 3, 2000. The contact name and address of this group is shown below:

Rio Colorado Reclamation Committee
c/o Karen R. Douglas
4601 Montano NW, Apt. 116
Albuquerque, NM 87120
505-899-0744

The TAG application process begins when a group of individuals affected by the site submits a LOI to the EPA. The applicant group cannot be a political subdivision, an educational institution, a Potentially Responsible Party (PRP) or be affiliated with a PRP at the site. In the

newspaper notice, a 30-day deadline was established for other potential applicants to submit a LOI and submit their own application, or form a coalition with the original applicant, "Rio Colorado Reclamation Committee". Due to the status of EPA negotiations with Molycorp, an extended deadline for all applicants to send in their TAG applications is February 1, 2001. Since only one TAG can be awarded for each site, all applicant groups are encouraged to coordinate and form a coalition and submit one TAG application to maximize benefits to the whole community.

To ensure that TAGs are awarded to the applicants most directly affected by National Priority List (NPL) sites, the EPA has developed a process to evaluate the strengths and weaknesses of the TAG applications submitted by the interested groups. An internal EPA Superfund/Regional Counsel work group most involved with the site (i.e., the site's Remedial Project Manager, Community Involvement Coordinator, Legal Counsel, etc.) reviews and scores each application.

To be eligible for a TAG, your group must be incorporated as a non-profit group for the purpose of addressing the issues at the Molycorp, Inc. Superfund site. If your group is already incorporated, it must re-incorporate for the purposes of the TAG program and be significantly involved with issues related with the site. Incorporation costs are reimbursable with TAG funds if your group is awarded the TAG. Be sure to state in your application if this is what your group plans to do.

If you have any questions, please call me at 214-665-8157 or call Zana Halliday at 1-800-533-3508.

Sincerely yours,

Beverly Negri
TAG Project Officer

Enclosures

cc: w/o enclosures
Aisling (6SF-LT)
Rodriguez (6SF-PO)
TAG File (6SF-PO)

CerroMolycorp.wpd

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Environmental Protection Agency
1445 Ross Avenue
Dallas, Tx 75202-2733
Attn: Zana Halliday (6SF-PO)

54

Moly copy HDI

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Ms. Jeannie S. Masters, Secy
Cerro Neighborhood Assn. DBA
Cerro Comm. Center
P.O. Box 1076
Questa, NM 87556

4a. Article Number
P 239 546 175

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
9-11-02

5. Received By: *(Print Name)*
JEANNIE S. MASTERS

6. Signature: *(Addressee or Agent)*
X Jeannie S. Masters

8. Addressee's Address *(Only if requested and fee is paid)*

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form **3811**, December 1994 102595-98-B-0229 Domestic Return Receipt

P 239 546 175

UNITED STATES POSTAL SERVICE

# Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

| | |
|---|---|
| Sent to Jeannie S. Masters | |
| Street and No. Cerro Neighborhood Assn | |
| P.O., State and ZIP Code Cerro Comm. Center | |
| Postage P.O. Box 1076 | $ |
| Certified Fee Questa NM | 87556 |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date | |

PS Form 3800, June 1991

September 6, 2000

Ms. Karen R. Douglas
Rio Colorado Reclamation Committee
4601 Montano Rd. NW, Apt. 116
Albuquerque, NM 87120

Re: MolyCorp, Inc. Superfund Site
Time Extension on Application for
Technical Assistance Grant (TAG)

Dear Ms. Douglas:

The U.S. Environmental Protection Agency (EPA) has received your August 24, 2000, request for extension of the deadline for the TAG application from Rio Colorado Reclamation Committee. This request is a result of information you received from Don Williams, EPA, Technical Support Team Leader, concerning the current status of negotiations with Molycorp. Since his information indicates there will probably be nothing done on the EPA work plan for the Molycorp site until approximately January 1, 2001, your request for an extension until February 1, 2001 has been accepted.

There is another group that has also submitted a Letter of Intent for a TAG on Molycorp, Inc. Their name and address is:

Cerro Neighborhood Association DBA
c /o Ms. Jeannie S. Masters, Secretary
Cerro Community Center
P.O. Box 1076
Questa, NM 87556
505-586-0609

We have also advised them that we have extended the due date to submit a TAG application to EPA on the Molycorp, Inc. Superfund site to February 1, 2001.

If you have any questions, please call me at 214-665-8157 or 1-800-533-3508.

Sincerely yours,

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Electronic

| | |
|---|---|
| Aisling | (6SF-LT) |
| Rodriguez | (6SF-PO) |
| TAG File | (6SF-PO) |

Douglasmolycorp

# FINANCIAL STATUS REPORT

*(Short Form)*

*(Follow instructions on the back)*

| 1. Federal Agency and Organizational Element to Which Report is Submitted | 2. Federal Grant or Other Identifying Number Assigned By Federal Agency | OMB Approval No. 0348-0038 | Page of pages |
|---|---|---|---|
| 3. Recipient Organization (Name and complete address, including ZIP code) | | | |
| 4. Employer Identification Number | 5. Recipient Account Number or Identifying Number | 6. Final Report ☐ Yes ☐ No | 7. Basis ☐ Cash ☐ Accrual |
| 8. Funding/Grant Period *(See instructions)* From: (Month, Day, Year) | To: (Month, Day, Year) | 9. Period Covered by this Report From: (Month, Day, Year) | To: (Month, Day, Year) |

| 10. Transactions: | I Previously Reported | II This Period | III Cumulative |
|---|---|---|---|
| a. Total outlays | | | |
| b. Recipient share of outlays | | | |
| c. Federal share of outlays | | | |
| d. Total unliquidated obligations | | | |
| e. Recipient share of unliquidated obligations | | | |
| f. Federal share of unliquidated obligations | | | |
| g. Total Federal share *(Sum of lines c and f)* | | | |
| h. Total Federal funds authorized for this funding period | | | |
| i. Unobligated balance of Federal funds *(Line h minus line g)* | | | |

| 11. Indirect Expense | a. Type of Rate *(Place "X" in appropriate box)* ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed | | | |
|---|---|---|---|---|
| | b. Rate | c. Base | d. Total Amount | e. Federal Share |

12. *Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. Certification: **I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.**

| Typed or Printed Name and Title | Telephone (Area code, number and extension) |
|---|---|
| Signature of Authorized Certifying Official | Date Report Submitted |

# FINANCIAL STATUS REPORT

*(Short Form)*

Public reporting burden for this collection of information is estimated to average 90 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0038), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

Please type or print legibly. The following general instructions explain how to use the form itself. You may need additional information to complete certain items correctly, or to decide whether a specific item is applicable to this award. Usually, such information will be found in the Federal agency's grant regulations or in the terms and conditions of the award. You may also contact the Federal agency directly.

| Item | Entry |
|---|---|
| 1, 2 and 3. | Self-explanatory. |
| 4. | Enter the Employer Identification Number (EIN) assigned by the U.S. Internal Revenue Service. |
| 5. | Space reserved for an account number or other identifying number assigned by the recipient. |
| 6. | Check *yes* only if this is the last report for the period shown in item 8. |
| 7. | Self-explanatory. |
| 8. | Unless you have received other instructions from the awarding agency, enter the beginning and ending dates of the current funding period. If this is a multi-year program, the Federal agency might require cumulative reporting through consecutive funding periods. In that case, enter the beginning and ending dates of the grant period, and in the rest of these instructions, substitute the term "grant period" for "funding period." |
| 9. | Self-explanatory. |
| 10. | The purpose of columns I, II, and III is to show the effect of this reporting period's transactions on cumulative financial status. The amounts entered in column I will normally be the same as those in column III of the previous report in *the same funding period*. If this is the first or only report of the funding period, leave columns I and II blank. If you need to adjust amounts entered on previous reports, footnote the column I entry on this report and attach an explanation. |
| 10a. | Enter total program outlays less any rebates, refunds, or other credits. For reports prepared on a cash basis, outlays are the sum of actual cash disbursements for direct costs for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase or decrease in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subgrantees and other payees, and other amounts becoming owed under programs for which no current services or performances are required, such as annuities, insurance claims, and other benefit payments. |
| 10b. | Self-explanatory. |
| 10c. | Self-explanatory. |
| 10d. | Enter the total amount of unliquidated obligations, including unliquidated obligations to subgrantees and contractors.<br><br>Unliquidated obligations on a cash basis are obligations incurred, but not yet paid. On an accrual basis, they are obligations incurred, but for which an outlay has not yet been recorded.<br><br>Do not include any amounts on line 10d that have been included on lines 10a, b, or c.<br><br>On the final report, line 10d must be zero. |
| 10e. | f, g, h, h and i. Self-explanatory. |
| 11a. | Self-explanatory. |
| 11b. | Enter the indirect cost rate in effect during the reporting period. |
| 11c. | Enter the amount of the base against which the rate was applied. |
| 11d. | Enter the total amount of indirect costs charged during the report period. |
| 11e. | Enter the Federal share of the amount in 11d. |
| Note: | If more than one rate was in effect during the period shown in item 8, attach a schedule showing the bases against which the different rates were applied, the respective rates, the calendar periods they were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date. |

**Beverly Negri**

11/25/03 09:16 AM

To: cbbf@baysfoundation.org, charlie@structurex.net, dks@sopris.net, hilario@nnm.cc.nm.us, lalise@earthlink.net, mfca@hern.org, pviewsfund@arkwest.com, pweeks@harc.edu, rachellconn@yahoo.com, redhow@Taosnm.com, rjim@leadagency.org, rjim@neok.com, schaefer@swcp.com, stand@arn.net, valerio_daniel@hotmail.com

cc: Zana Halliday/R6/USEPA/US@EPA

Subject: The TAG 2003 Annual MBE/WBE Reports were due to me on 10/31/03. If you haven't sent your Report in, please do so immediately.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

**Zana Halliday**

11/10/03 02:20 PM

To: Beverly Negri/R6/USEPA/US@EPA
cc: Zana Halliday/R6/USEPA/US@EPA
Subject: Molycorp, Review of Documents

Completed review of Molycorp documents inhouse and noted deliverables received on copy of grant award on 11/5/03.

Missing report:
MBE report for year 2003 (was due 10/30/03)

When RCRC have their meetings, they are not providing copies of the sign-in sheets to EPA.

EPA has received several TA Reports on the deliverables, and RCRC appears to be in compliance except for the MBE report.
Deliverables received have been noted on the copy of the grant award in the TAG file.

10/27/03

Dear Grant Recipient:

Effective October 1, 2003, the Office of Management and Budget (OMB) issued a policy directive requiring grant applicants to provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number in **every application** for a new award or renewal of an award. This includes applications or plans under mandatory grant programs submitted after October 1, 2003. A DUNS number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal (Grants.gov).

The DUNS identifier will be used for tracking purposes, and to validate address and point of contact information. **The applicant has the primary responsibility for ensuring the placement and accuracy of the DUNS number on the application**. Currently, the OMB Standard Form 424 page in the application does not include a block for the DUNS number; therefore, please use the address block in the application to identify the DUNS number.

Use of the DUNS number government-wide will provide a means to identify entities receiving those awards and their business relationships. The DUNS number will supplement other identifiers required by statute or regulation such as tax identification numbers.

Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711. The website where an organization can obtain a DUNS number is http://www.dnb.com. Once the account has been established, you can make queries through D&B's 1-888-546-0024 at a cost of $1.50 per lookup or http://www.fpdc.gov/fpdc/duns-query-v2 fpdc.htm.

Individuals who would personally receive a grant or cooperative agreement award from the Federal government apart from any business or non-profit organization they may operate are **exempt** from this requirement.

Tribal applicants are subject to the DUNS requirement unless they receive a waiver from the requirement. Foreign applicant organizations which are qualified to apply for a grant will be able to apply for and receive a DUNS number. You may call Brian Berry, of my staff, at (214) 665-7358, if you have any questions.

Sincerely yours,

Lynda F. Carroll
Assistant Regional Administrator
for Management

BBerry:lm\5-7358\10-20-03\f:user\6mf\2003\DUNNumber

| DURDEN | BROWN | BRADLEY | MARTINEZ | REINES | SUELL |
|---|---|---|---|---|---|
| _____ | _____ | _____ | _____ | _____ | _____ |

# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico


*Board of Directors*

Roberto Vigil
President

Rachel Conn
Vice President
Program Director

Hope Buechler
Secretary/Treasurer

David Douglas

Karen Douglas

Carlos Herrera

Marsha Reddell

Taylor Streit

Brooke Tatum

*Grant Administrator*

Patrick Nicholson

*Technical Advisors*

Steve Blodgett

Ken Klco


RECEIVED
EPA REGION VI
RECEIVED
EPA REGION VI
03 OCT 14 PM 2:55
PROGRAMS MGMT BRANCH
PROGRAMS MGMT BRANCH

October 7, 2003

Beverly Negri
Zana Halliday
6 SF-/PO
USEPA Region 6
1445 Ross Avenue - Suite 1200
Dallas, TX 75202-2733

Dear Beverly & Zana,

We have enclosed our last two Payment Request Forms with the appropriate documentation. This covers expenses incurred by RCRC from July 15, 2003 thru September 30, 2003.

In accordance with the changes in the EPA Region 6 payment procedure, as noted in your Memo dated July 23, 2003, we have also faxed the EPA's Las Vegas Financial Center the new EPA Payment Request forms.

Our 3rd Quarterly Report for 2003, which will include activities from July 1, 2003 - September 30, 2003, is currently in draft form, will soon be reviewed by RCRC Board Members for comment, and thereafter will be submitted.

As always, it is a pleasure working with both of you. Please do not hesitate to contact us if any further documentation is required or you have any questions.

Thank you.

Sincerely,

Rachel Conn
Program Director

Patrick Nicholson
Grant Administrator

Enc.

Molycorp molybdenum mine


P.O. Box 637 • Questa, New Mexico 87556
www.rcrc.nm.org • info@rcrc.nm.org

**Beverly Negri**

09/10/2003 05:49 AM

To: TAG Group
cc:
cc:
Subject: Another Requirement: Use of a Universal Identifier by Grant Applicants

A new requirement from the Office of Management and Budget (OMB) for grant applicants will take effect on October 1, 2003. All federal grant applicants will be required to provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on or after October 1, 2003.

OMB has determined that there is a need for improved statistical reporting of Federal grants and cooperative agreements. Use of the DUNS number government-wide will provide a means to identify entities receiving those awards and their business relationships. The identifier will be used for tracking purposes, and to validate address and point of contact information.

A DUNS number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal (Grants.gov). The DUNS number will supplement other identifiers required by statute or regulation, such as tax identification numbers.

Organizations can receive a DUNS number in one day, at no cost, by calling the dedicated toll-free DUNS Number request line at 1–866–705– 5711. Individuals who would personally receive a grant or cooperative agreement award from the Federal government apart from any business or non-profit organization they may operate are exempt from this requirement. The website where an organization can obtain a DUNS number is: http://www.dnb.com. This takes 30 business days and there is no cost unless the organization requests expedited (1-day) processing, which includes a fee of $40.

A DUNS number must be included in every application for a new award or renewal of an award, including applications or plans under mandatory grant programs, submitted on or after October 1, 2003. Even though all of you currently have a grant, please call and secure your DUNS number for any future grant possibility. As soon as you have the number, please send it to me via e-mail.

There is a DUNS number field in IGMS, under the Recipient Information section, and a DUNS number field in the IGMS PAB organization document that will store the DUNS. As a temporary measure the DUNS number may be entered on the current SF-424 in the Applicant Information address block.

A new revised version of the application form SF-424 will include the DUNS number. It is expected that the new revised SF-424 will be available this fall and will be found at the following OMB web site. http://www.whitehouse.gov/omb/grants/sf424.pdf

The Federal Register / Vol. 68, No. 124 / Friday, June 27, 2003 Notice can be found at this link: http://www.whitehouse.gov/omb/grants/grants_docs.html

Attachment:

Federal Register Notice

062703_grant_identifier.pc

*Beverly Negri*

Technical Assistance Grant Project Officer
214-665-8157 or 1-800-533-3508

## 9. SUNSET/REVIEW DATE:

The Grants Administration Division will review this guidance annually to determine if any salary adjustments of the daily (and hourly) rate for Federal employees at the ES IV level are required. Adjustments will be reflected in revisions to the assistance agreement term and condition for consultant fees.

## 10. SUPERCEDES/CANCELS:

This Grants Policy Issuance clarifies EPA Order 3110.4C–"Employment of Experts and Consultants" to cover fees under assistance agreements.

1,000 to 500. This revision will allow Federal agencies to provide more focused attention where there is the greatest risk in terms of Federal awards expended, but still provide each non-Federal entity with an assigned oversight agency for audit from which to request technical advice. The revision also changes the base years for determining cognizant agency for audit assignments. (Currently, the cognizant agency for audit determination is based on the amount of Federal funding in the year immediately preceding each five-year audit cognizant period. This revision changes the base year to the second year preceding the five-year audit cognizant period to allow sufficient time to make cognizant agency for audit determinations before the start of the audit cognizance period.) Finally, the revision changes the definition of oversight agency for audit to permit Federal agencies to make reassignments.

**Response to Comments**

OMB received 43 comment letters: Eight from Federal agencies, seven from State governments, four from universities, five from non-profit organizations, 14 from certified public accountants, and five from individuals. Nearly all comments focused on raising the audit threshold: 28 were in favor and 10 opposed. Of the 10 that were opposed to raising the audit threshold, two were from Federal agencies; two were from one State; one from a university; and five from individuals. Opposition centered on concerns over specific programs and the perceived lack of accountability over Federal funds that would fall below the new threshold. On the other hand, several commenters suggested raising the threshold to $1 million to further alleviate the burden on non-Federal entities expending smaller amounts of Federal funds. OMB believes that, because the revisions only exempt an additional one-half of one percent of Federal dollars expended from audit while providing administrative relief to approximately 6,000 entities, the risk to Federal funds does not outweigh the benefits to grant recipients. OMB, however, appreciates the comments about reduced accountability and concerns expressed by several commenters that raising the audit threshold could provide more opportunities for fraud.

It is important to note that Circular A–133 audit is only one of many monitoring tools available to oversee the administration of and strengthen accountability over Federal grants. Grantee monitoring should occur throughout the year rather than relying solely on a once-a-year audit. Monitoring activities may take various forms; however, a first monitoring tool should be identifying to the grantee the Federal award information (*e.g.*, Catalog of Federal Domestic Assistance (CFDA) title and number, award name, name of Federal agency) and applicable compliance requirements. Other monitoring tools include reviewing grantee financial and performance reports, performing site visits to review financial and programmatic records and observe operations, and arranging for agreed-upon procedures engagements for certain aspects of grantee activities, such as described in § _.230(b)(2) of Circular A–133. Factors such as the size of awards, the complexity of the compliance requirements, and risk of grantee non-compliance as assessed by the grantor may influence the nature and extent of monitoring procedures. Federal laws or regulations may impose monitoring requirements specific to a Federal program. The 2003 OMB Circular A–133 Compliance Supplement clarifies the guidance to auditors related to subrecipient monitoring.

It should also be noted that the Federal Government has the authority to audit and/or investigate any entity suspected of using Federal funds improperly, regardless of the amount of funds involved. Allegations of fraud should be directed to the Federal awarding agency's Office of Inspector General fraud hotline phone numbers which are available on the Internet at *http://www.ignet.gov*.

Nine comments addressed the increase from $25 million to $50 million of the threshold for cognizant agency for audit. Seven commenters (two Federal and five non-Federal) supported the increase and two Federal agencies opposed. One concern was that the reduction in the number of cognizant agency for audit assignments would reduce Federal agency monitoring of audit quality. OMB is actively working with Federal agencies to strengthen quality control reviews of audits by selecting a statistical sample of single audits to measure audit quality across Federal programs. This work is expected to improve our ability to measure and improve audit quality.

Four comments concerned the technical changes. One Federal agency (which opposed all of the proposed revisions to Circular A–133) expressed concern about accountability over Federal funds. As noted above, OMB believes that the revisions to Circular A–133 provide an appropriate balance between administrative relief and the risk to Federal funds.

**Availability of Revised Circular**

OMB has prepared an updated version of Circular A–133, as amended herein. It is available electronically on the OMB Home Page at *http://www.omb.gov* and then select "Grants Management" followed by "Circulars."

Dated: June 23, 2003.

**Augustine T. Smythe,**

*Acting Director.*

1. OMB hereby amends Circular A–133 by replacing $300,000 with $500,000 in the following sections: § ____.200(a); § ____.200(b); § ____.200(d); § ____.230(b)(2); and § ____.400(d)(4).

2. OMB hereby amends Circular A–133 by replacing $25 million with $50 million in section § ____.400(a), first sentence.

3. OMB hereby amends Circular A–133 by replacing section § ____.400(a), third, fourth, and fifth (parenthetical) sentences with the following: § ____.400 Responsibilities.

(a) * * * The determination of the predominant amount of direct funding shall be based upon direct Federal awards expended in the recipient's fiscal years ending in 2004, 2009, 2014, and every fifth year thereafter. For example, audit cognizance for periods ending in 2006 through 2010 will be determined based on Federal awards expended in 2004. (However, for 2001 through 2005, the cognizant agency for audit is determined based on the predominant amount of direct Federal awards expended in the recipient's fiscal year ending in 2000).

* * * * *

4. OMB hereby amends Circular A–133, section § ____.105, by adding at the end of the definition of oversight agency for audit: "A Federal agency with oversight for an auditee may reassign oversight to another Federal agency which provides substantial funding and agrees to be the oversight agency for audit. Within 30 days after any reassignment, both the old and the new oversight agency for audit shall notify the auditee, and, if known, the auditor of the reassignment."

[FR Doc. 03–16355 Filed 6–26–03; 8:45 am]

BILLING CODE 3110–01–P

## OFFICE OF MANAGEMENT AND BUDGET

### Use of a Universal Identifier by Grant Applicants

**AGENCY:** Office of Management and Budget.

**ACTION:** Notice of final policy issuance.

**SUMMARY:** The Office of Management and Budget (OMB) is issuing a policy directive to implement the requirement for grant applicants to provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for Federal grants or cooperative agreements on or after October 1, 2003.

OMB has determined that there is a need for improved statistical reporting of Federal grants and cooperative agreements. Use of the DUNS number government-wide will provide a means to identify entities receiving those awards and their business relationships. The identifier will be used for tracking purposes, and to validate address and point of contact information. The DUNS number already is in use by the Federal government generally to identify entities receiving Federal contracts and by some agencies in their grant and cooperative agreement processes. Among existing numbering systems, the DUNS is the only one that provides the Federal government the ability to determine hierarchical and family-tree data for related organizations.

The DUNS number will be required whether an applicant is submitting a paper application or using the government-wide electronic portal (Grants.gov). By using the Grants.gov portal, entities will be able to store in a central repository organizational information that does not change from application to application. The DUNS number will be one of those stored elements.

The DUNS number will supplement other identifiers required by statute or regulation, such as tax identification numbers. It is our intent over time to use the DUNS number throughout the grants life cycle.

Organizations should verify that they have a DUNS number or take the steps needed to obtain one as soon as possible if there is a possibility that they will be applying for Federal grants or cooperative agreements on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1–866–705–5711. Individuals who would personally receive a grant or cooperative agreement award from the Federal government apart from any business or non-profit organization they may operate are exempt from this requirement.

**DATES:** A DUNS number must be included in every application for a new award or renewal of an award, including applications or plans under mandatory grant programs, submitted on or after October 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Sandra R. Swab, Office of Federal Financial Management, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503; telephone 202–395–5642; or e-mail sswab@omb.eop.gov.

**SUPPLEMENTARY INFORMATION**

## A. Background

In a **Federal Register** notice [67 FR 66177] published on October 30, 2002, the Office of Management and Budget (OMB) proposed to establish the DUNS number as the universal identifier for Federal grant and cooperative agreement applicants. The OMB notice also included a proposed policy to establish this policy as a government-wide requirement. We received comments from 37 separate entities: 3 universities; 12 State/local governments; 7 non-profit organizations; 9 Federal agencies; 5 associations, and a for-profit business. We considered all comments in developing the final policy. Comments generally were in support of the concept of the Universal Identifier although there were concerns about the use of the DUNS number and the impact on certain types of recipients. These concerns are addressed in the responses below. Other comments which were outside the scope of this proposal, will be separately considered by the Grants.gov Program Management Office or the Public Law 106–107 working groups, as appropriate.

The following paragraphs summarize the major comments and our responses. For simplicity, the term "grant" used in the following section also means "cooperative agreement".

## B. Comments and Responses

### *Comments on Applicability*

*Comment:* Four commenters questioned whether the requirement to obtain a DUNS number should be applied to individuals. They urged that individuals that apply for grants directly from the Federal government be exempted from the requirement to obtain a DUNS number in order to apply.

*Response:* Agree. We clarified the policy directive to indicate that individuals who would personally receive a grant or cooperative agreement award from the Federal government, apart from any business or non-profit organization they may operate, are not required to provide a DUNS number in order to apply for or conduct subsequent business with the Federal government under a grant. Individuals may continue to apply under programs for which they are eligible applicants without providing a DUNS number.

*Comment:* Ten commenters indicated that applying the DUNS number requirement to subrecipients would create difficulty and perhaps delay primary applicants in preparing their funding requests.

*Response:* Agree. The final policy directive indicates that applicants are not required to submit DUNS numbers for entities with which they may enter into subawards. Only the primary applicant, *i.e.*, the entity that makes application to the Federal government, including State, local, and Tribal governments, and other entities receiving block or other mandatory grants, will need a DUNS number at time of application.

*Comment:* Five commenters recommended that non-U.S. recipients be excluded from the DUNS number requirement since it would be difficult for many foreign organizations to obtain the number.

*Response:* Disagree. Foreign applicant organizations which are able to apply for a grant and meet the normal terms and conditions, including reporting requirements should be able to apply for and receive a DUNS number.

### *Comments on Numbering System/ Alternate Process*

*Comment:* Fourteen commenters recommended that the Federal Employer Identification Number (EIN) be considered for the universal identifier instead of the DUNS because it is already widely used during the Federal government's administrative processing of grants, or that an entirely new numbering system be designed.

*Response:* Disagree. Although other numbering systems currently are in use (and will continue), none is adequate to identify family tree relationships or can provide the access and validation capabilities offered by the DUNS. Many potential applicants already possess DUNS numbers. Further, the cost of developing and maintaining another numbering system for grantees would not be justified.

*Comment:* One commenter recommended we use the Social Security Number (SSN) as the universal identifier. The commenter suggested that the DUNS number be used only for organizations, or other entities for which a SSN would not be appropriate.

*Response:* Agree with the substance of the comment. We have exempted individuals who would personally receive a grant or cooperative agreement award from the Federal government apart from any business or non-profit

organization they may operate from the policy directive's applicability.

*Comment:* Two commenters appeared to misinterpret our proposal for a universal identifier and assumed that our intent was to have the DUNS number replace all other identifiers. One commenter also suggested that the multiple grant identifiers currently in use by various Federal agencies should be replaced by DUNS, and the DUNS should be used consistently throughout the grant life cycle to complement grant award numbers.

*Response:* Agree. The final policy directive clearly states the purpose of the DUNS and the continued existence of other numbering systems. It also is our intent over time to use the DUNS number in other parts of the grants life cycle, replacing other numbers if possible.

*Comments on Implementation*

*Comment:* Six commenters expressed concern regarding the burden required in obtaining a DUNS number for those organizations that do not currently have one, with one noting a particular burden for small and community and faith-based organizations.

*Response:* Disagree. OMB has determined that obtaining a DUNS number is not a significant burden under the Paperwork Reduction Act. There should be minimal burden on applicants. Obtaining a DUNS number is a one-time activity. With use of the toll-free request line, there will be an immediate DUNS number assignment at no charge to the requestor.

*Comment:* Nine commenters requested guidance for entities that have multiple DUNS numbers. They were particularly concerned that large organizations with multiple DUNS numbers may not use the appropriate DUNS number when applying, which would result in inaccurate tracking. They also questioned whether Federal agencies will be responsible for verifying that applicants are using valid DUNS numbers.

*Response:* Agree in part. Dun and Bradstreet (D&B) will work with an applicant to understand or change their numbers, however each organization is responsible for controlling its own DUNS hierarchy. D&B recommends a single point of contact for each entity. The DUNS will not affect the ability of the entity to structure its organizational delegations and authorities for submitting applications. A central Federal repository [currently named the Business Partner Network (BPN), formerly the Central Contractor Registry (CCR)], rather than individual Federal agencies, will be responsible for performing periodic verification of DUNS numbers.

*Comment:* Four commenters suggested that the universal identifier might enhance the ability of State governments to track recipients of Federal funds within their States. These commenters also requested clarification of whether payment processes will be affected, for example, if the DUNS number would be required as part of each request to draw down Federal funds.

*Response:* No change. OMB is working to ensure that, for applications subject to the DUNS number requirements, Federal grant financial reporting, payment, and audit requirements are modified to also incorporate use of the DUNS number. It is OMB's intent to expand use of the DUNS number throughout the entire grants life-cycle.

*Comments on Education/Outreach*

*Comment:* Three commenters strongly recommended that applicants be notified up front through both paper and electronic means of the need to apply for a DUNS number before submitting a grant application and/or verify their organization's DUNS number. In addition, they suggested that applicants should know in advance what information they would be asked to provide.

*Response:* Agree. Guidance on how to obtain a DUNS number, verify whether an entity already has a DUNS number, and obtain copies of the organization family-tree will be provided at the Grants.gov portal. Links to this guidance will be included on Federal web sites, and it will be used in outreach and other education efforts.

*Comment:* Three commenters asked for information concerning how the Federal government will conduct outreach on the new policy within the various grant communities. In particular, they asked whose responsibility it is to inform the public. They suggested that OMB work with technical assistance providers that currently provide services to nonprofits on the outreach and educational efforts.

*Response:* Agree. Federal agencies will be responsible for notifying their respective applicant/recipient communities of the change. A link to the guidance on how to obtain a DUNS number will be available from Federal web sites. In addition, we will work with associations representing various constituencies for their assistance in "getting the word out."

Dated: June 23, 2003.

**Linda M. Springer,**

*Controller.*

**To the Heads of Executive Departments and Agencies**

*Subject:* Requirement for a DUNS Number in Applications for Federal Grants and Cooperative Agreements.

1. *Purpose.* This policy directive establishes the requirement that applications for Federal grants or cooperative agreements include a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.

2. *Authority.* This policy directive is part of the implementation of the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107). This policy is also designed to further implement the E–Grants.gov initiative, one of the 24 electronic government (E–Gov) initiatives under the President's Management Agenda.

3. *Background.* Public Law 106–107 requires the Office of Management and Budget (OMB) to direct, coordinate, and assist Executive Branch departments and agencies in establishing an interagency process to streamline and simplify Federal financial assistance procedures for non-Federal entities. It also requires executive agencies to allow applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance programs administered by the agency.

Under the E–Grants.gov initiative, the Federal agencies are in the process of developing an electronic grant application system using standard core data elements. The DUNS number is one of those data elements. It will be used to link to fixed applicant data, such as name and address fields, maintained in a central Federal registration repository. This will allow the data to automatically populate corresponding fields in the electronic application. Applicants will not have to re-enter this information on each electronic application they submit. The DUNS number requirement is also applicable to paper applications because of planned reporting requirements.

4. *Policy.*

a. *Applicability.* This policy applies to all types of entities applying for Federal grants or cooperative agreements under discretionary and mandatory grant programs or activities except:

i. Individuals who would personally receive a grant or cooperative agreement award from the Federal government apart from any business or non-profit organization they may operate.

ii. Any applicant that receives an exemption, or an applicant under a

program that receives an exemption (see paragraph c. below).

For purposes of this policy, the applicant is the entity that meets the agency's or program's eligibility criteria and has the legal authority to apply. For example, a consortium formed to apply for a grant or cooperative agreement must obtain a DUNS number for that consortium. If a consortium is eligible, and the agency's policy is to make the award to a lead entity for the consortium, the DUNS number of the lead entity will be used.

b. *Effect.* Every application for a new award or renewal of an award, including applications or plans under mandatory grant programs, submitted on or after October 1, 2003 must include a DUNS number for the applicant. Unless an exemption is granted, an application will not be considered complete until a valid DUNS number is provided by the applicant.

For Federal purposes, the applicant is not required at this time to submit DUNS numbers for entities with which it may enter into subawards.

The DUNS number does not replace existing numbers, such as the Employer Identification Number (EIN), the Tax Identification Number (TIN), and State Application Identifier (SAI) numbers that are required by statute, Executive Order, or regulation.

c. *Exemptions.* Agencies may not grant exemptions from this policy. Requests for exemptions must be directed to OMB.

5. *Agency Responsibilities.* Agencies that award grants or cooperative agreements shall:

a. Issue any needed implementing direction to component offices to meet the requirements of this policy directive.

b. Provide outreach and education appropriate to their applicant communities regarding the requirement for a DUNS number. Agencies should encourage entities that anticipate applying for Federal grants or cooperative agreements to obtain a DUNS number in advance of a specific application. Agencies should inform entities that it is their responsibility to obtain a DUNS number.

c. Include this requirement in all funding opportunity announcements issued on or after the effective date of this policy directive with application due dates or acceptance dates on or after October 1, 2003. For all other funding opportunity announcements with due dates or acceptance dates on or after October 1, 2003, agencies must amend their announcements or take other appropriate measures to inform potential applicants of this requirement. These requirements apply equally to other types of notifications if funding opportunity announcements are not used.

d. Revise their grant and cooperative agreement applications and plans to include a DUNS number. OMB approval is not required to add a DUNS number field to previously approved forms.

e. Ensure that their grant-related processing systems, and other systems as appropriate, are able to accept the DUNS number.

6. *Information Contact.* Direct any requests for exemption or questions about this policy directive to Sandra Swab, Office of Federal Financial Management, 202–395–5642 (direct) or 202–395–3993 (main office), or via e-mail *(sswab@omb.eop.gov)*

7. *Effective Date.* This policy directive is effective 30 days after issuance.

Dated: June 23, 2003.

**Linda M. Springer,**

*Controller.*

[FR Doc. 03–16356 Filed 6–26–03; 8:45 am]

BILLING CODE 3110–01–P

## OFFICE OF MANAGEMENT AND BUDGET

### Final Report of the Small Business Paperwork Relief Task Force

**AGENCY:** Office of Management and Budget, Executive Office of the President.

**ACTION:** Notice.

**SUMMARY:** The Office of Management is publishing the Final Report of the Small Business Paperwork Relief Task Force on June 28, 2003. The Small Business Paperwork Relief Task Force recommends options regarding the feasibility of consolidating information collections, organizing a list of information collections, and creating interactive electronic systems. A Draft Report was released for public comment May 9, 2003 and the response to comments is included in Appendix 8 of the Final Report. The Final Report of the Small Business Paperwork Relief Task Force is posted on OMB's Web site, *http://www.whitehouse.gov/omb/inforeg/sbpr2003.pdf*, and on the Small Business Administration's Web site for business laws, *http://www.businesslaw.gov.*

**FOR FURTHER INFORMATION CONTACT:** Shivani Desai, Office of E-Government and Information Technology, Office of Management and Budget, E-mail: *shivani_desai@omb.eop.gov*, Telephone: (202) 395–3092.

**SUPPLEMENTARY INFORMATION:** Congress directed the Director of OMB to convene and have a representative chair a Task Force "to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information" (44 U.S.C. 3520, Pub. L. 107–198). More specifically, this Small Business Paperwork Relief Task Force is charged with examining five ways to reduce the information collection burden placed by government on small business concerns. They are:

1. Examine the feasibility and desirability of requiring the consolidation of information collection requirements within and across Federal agencies and programs, and identify ways of doing so.

2. Examine the feasibility and benefits to small businesses of having OMB publish a list of data collections organized in a manner by which they can more easily identify requirements with which they are expected to comply.

3. Examine the savings and develop recommendations for implementing electronic submissions of information to the Federal government with immediate feedback to the submitter.

4. Make recommendations to improve the electronic dissemination of information collected under Federal requirements.

5. Recommend a plan to develop an interactive Government-wide Internet program to identify applicable collections and facilitate compliance.

The Small Business Paperwork Relief Task Force is required to submit a report of its findings on the first three issues no later than one year after enactment, or June 28, 2003. A second report on the final two issues is required no later than two years after enactment, or June 28, 2004. Both reports must be submitted to the Director of OMB; the Small Business and Agriculture Regulatory Enforcement Ombudsman; and the Senate Committees on Governmental Affairs and Small Business and Entrepreneurship; and, the House Committees on Government Reform and Small Business.

The Director of OMB appointed Dr. John D. Graham, Administrator of the Office of Information and Regulatory Affairs, and Mr. Mark A. Forman, Administrator for the Office of E-Government and Information Technology, to co-chair the Small Business Paperwork Relief Task Force.

The Act specifies the following agencies to be represented on the SBPRA Task Force: Department of Labor (including the Bureau of Labor

# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

| | | |
|---|---|---|
| **2. DATE SUBMITTED** September 10, 2003 | Applicant Identifier | |
| **3. DATE RECEIVED BY STATE** | State Application Identifier | |
| **4. DATE RECEIVED BY FEDERAL AGENCY** | Federal Identifier | |

**1. TYPE OF SUBMISSION:**

Application
- ☐ **Construction**
- ☐ **Non-Construction**

Preapplication
- ☐ **Construction**
- ☐ **Non-Construction**

**5. APPLICANT INFORMATION**

Legal Name:

Organizational Unit:

Address *(give city, county, State, and zip code):*

Name and telephone number of person to be contacted on matters involving this application *(give area code)*

**6. EMPLOYER IDENTIFICATION NUMBER** *(EIN):*

☐☐ – ☐☐☐☐☐☐☐

**7. TYPE OF APPLICANT:** *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

**8. TYPE OF APPLICATION:**

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify):*

_____

**9. NAME OF FEDERAL AGENCY:**

**10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:**

☐☐ – ☐☐☐

TITLE:

**11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:**

**12. AREAS AFFECTED BY PROJECT** *(Cities, Counties, States, etc.):*

**13. PROPOSED PROJECT**

| Start Date | Ending Date |
|---|---|
| | |

**14. CONGRESSIONAL DISTRICTS OF:**

a. Applicant

b. Project

**15. ESTIMATED FUNDING:**

| | |
|---|---|
| a. Federal | $ .00 |
| b. Applicant | $ .00 |
| c. State | $ .00 |
| d. Local | $ .00 |
| e. Other | $ .00 |
| f. Program Income | $ .00 |
| g. TOTAL | $ 0.00 |

**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

**18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.**

| | | |
|---|---|---|
| a. Type Name of Authorized Representative | b. Title | c. Telephone Number |
| d. Signature of Authorized Representative | | e. Date Signed |

# INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

| Item: | Entry: |
|---|---|
| 1. | Self-explanatory. |
| 2. | Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable). |
| 3. | State use only (if applicable). |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. |
| 7. | Enter the appropriate letter in the space provided. |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:<br>-- "New" means a new assistance award.<br>-- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br>-- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |
| 9. | Name of Federal agency from which assistance is being requested with this application. |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. |

| Item: | Entry: |
|---|---|
| 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 13. | Self-explanatory. |
| 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |

September 8, 2003

Ms. Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Re: Molycorp, Inc. Superfund Site
Technical Assistance Grant (TAG)
Number 1-98687101-0
Quarterly Progress Report and Deliverables

Dear Ms. Conn:

The U.S. Environmental Protection Agency (EPA) received your Quarterly Progress Report for the period April 1, 2003 through June 30, 2003. The EPA also received copies of Technical Advisor reports and grant deliverables. Copies of these reports haves been given to the Remedial Project Manager, Mark Purcell. Copies were also sent to the EPA repository in Questa. Thank you for your prompt submission of these reports and documents.

If you have any questions, call me or Zana Halliday at 1-800-533-3508.

Sincerely,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Roberto Vigil, President
Rio Colorado Reclamation Committee
P.O. Box 333
Questa, NM 87556

Patrick D. Nicholson
TAG Administrator - RCRC
6459 NDCBU
Taos, NM 87571

| | | |
|---|---|---|
| bcc: | Purcell | (6SF-LP) |
| | Negri | (6SF-PO) |
| | TAG File | (6SF-PO) |

L:MolycorpQPR.wpd

**Beverly Negri**

09/08/03 06:19 AM

To: Karen Douglas <minniemoomoo@comcast.net>
cc: Mark Purcell/R6/USEPA/US@EPA, (bcc: Zana Halliday/R6/USEPA/US)
Subject: Re: Question and suggestion

Karen,

Thank you for your kind note. I will address the answers to your questions beneath the question asked. I'll put my answer in bold.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
214.665.8157 or 1-800-533-3508 (Toll Free)
negri.beverly@epa.gov

Karen Douglas <minniemoomoo@comcast.net>

**Karen Douglas <minniemoomoo@comcast.net>**

09/07/2003 03:06 AM

To: Beverly Negri/R6/USEPA/US@EPA
cc:
Subject: Question and suggestion

Hi Beverly,

I hope you got home okay and have recovered from the turn the meeting took. As I had mentioned to you when we first started communicating several years ago, and reiterated after the meeting, not only was what happened typical of meetings concerning Molycorp, but this one was actually mild. I'm just sorry you had to go through this, but more about that later.

In planning ways to better deciminate reports by our TAs, I remembered something which I'd like to check out with you. We plan to have the TAs do short summaries of their reports in our upcoming newsletter, post the full reports on the website, and have the TAs explain their reports at our upcoming community meeting. Our concern is how best to make the full reports by the TAs available to those interested parties who don't have internet access. We could make copies, but if the number of people requesting to see the full reports turns out to be large (as it might, now that some of the miners claim that they want to, finally, become part of the RCRC), copying might be a financial burden.

**ANSWER:**
**If additional copies are needed and can be created without too much financial burden, TAG funds can be used to make a few copies that can be shared. See my comments below about the repository.**

I recall, when I was working with you on the application process before I had to turn it over to Rachel, that you mentioned that hard copies of the TAs' reports would be necessary for the Repository. If this is so, we can refer anyone interested in seeing the entire report to the Repository. Question is: who is responsible for getting the reports into the Repository--the RCRC, or do you handle that once you've received the reports? If the RCRC is responsible, how exactly should we go about doing this? If you, or someone else from the EPA handles this, about how long

after EPA receives the reports would they be entered into the Repository?

**ANSWER:**
**EPA has the responsibility for placing the materials and reports produced by the TAs into the site repository. In order to ensure that enough copies are available for the community, we'll place several copies in the repository each time we receive them. We try to turn our responses to the TAG groups in a day or two. We usually mail the repository materials within the week we receive them. Of course, we have no control how long the staff at the repository site take to get the reports in the file, but usually they are very quick about making the materials available.**

On the subject of what happened at the meeting, I would like to make a suggestion for future meetings. This is similar to what ATSDR did, and several of the State Agencies have finally resorted to this at hearings where people were testifying under oath, and yet they were still literally screamed and cursed at, mostly by Molycorp folks (although I certainly will not make any excuses for "Little Joe" Cisneros, who is quite anti-mine and often exhibits the same behavior, and is usually drunk to boot. The same goes for Peggy Cross, who has some valid points, but makes them over and over, and also expects test results for her personally--gets quite frustrating).

At the beginning of the meeting, ground rules are set explaining what the purpose of the meeting is, and that comments and questions can only stay within that set purpose. Only one person can speak at a time, they must raise their hand and be recognized. Anyone who violates any of these ground rules is given one chance to stay on quietly. If they continue to violate any of these ground rules, they will be escorted from the meeting.

**ANSWER:**
**When we have a formal public meeting we follow that venue. Our community meetings tend to be a little less formal. If you recall, I set some limited ground rules at the beginning of the meeting and basically, they were discounted by all. I was not upset at all by the need to calm the meeting down. We all understand that emotions run high at these type of meetings and sometimes folks need to let their feelings out.**

**Because of the way the meeting turned, we do plan to do exactly what you suggest at the next Molycorp meeting. Because of the precedent set, stricter ground rules are required in the future.**

Back to another question: when you e-mailed the RCRC through Rachel, offering the formation of the QCC, it seemed clear that the only people who could attend this meeting would be "scientific" representatives from the Village, the RCRC, Molycorp and various State and Federal Agencies--similar to the TWG (Technical Working Group) which was set up within the TRC. Why was Molycorp allowed to have their new PR person attend (I believe her title was something like community liaison)? When our TAs told us about this it was quite upsetting to us. I'm asking the same question of Mark, since I don't know if you were aware of this.

**ANSWER:**
**I was unaware of the fact that the new Molycorp PR person was in attendance at the meeting. mark and I will discuss this concern. Thank you for bring it to my attention.**

On a final note, I hope that you have heard by now that the contention the RCRC and other community area members have been making for a number of years has now been proven accurate--when Molycorp installed the Village

water and sewer system, the pipes were indeed backfilled with tailings. We let ATSDR know immediately, since, with numerous pipe breaks every winter/spring, this is indeed a pathway for human ingestion.

**ANSWER:**
**I received an e-mail from ATSDR late last Friday afternoon about the meeting that was to be held in Questa last Friday where this information was going to be shared with the community.**

Anyway, I hope you can help with my questions. And I am really sorry that you had to experience what happened at the meeting. As many times as I and others have been through this, it is always upsetting, frustrating and angering. I thought after sitting through an 8-day hearing in that hall in July 2000 that nothing would top that, or that I'd be hardened to all of this. Guess not.

Warmest regards,
Karen

**ANSWER:**
**I hope we never get so hardened to care about the concerns and lives of the communities with which we work. Community members who care about what is happening in their neighborhoods are the life blood of a strong community.**

**Again thank you for your kindness. We empathize with folks and try to never take situations like what happened at the meeting personally.**

**Beverly**

**Cerro Neighborhood Association DBA**
**Cerro Community Center**
**P. O. Box 1076**
**Questa, New Mexico 87556**
**Telephone 505-586-0609**

RECEIVED
EPA REGION VI
00 AUG 31 PM 3:52
PROGRAMS MGMT BRANCH

August 28, 2000

EPA Region 6 (6SF-PO)
Attn: Ms. Beverly Negri
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Ms. Negri:

This letter is being written as a request for copies of the booklets that delineate the grant application for a TAG.

We are a Community Neighborhood Association, who runs a Community Center in a remodeled school building in Cerro. We are interested in applying for a Technical Assistance Grant through your office in order to disseminate information on the Moly Corp.'s designation as a superfund site to the neighboring communities.

Thank you, for your prompt and kind attention to our request.

Respectfully submitted,

Jeannie S. Masters

Jeannie S. Masters
Secretary

Jeannie Masters
P.O. Box 1076
Questa, NM 87556-1076

ALBUQUERQUE NM 87101
PM
29 AUG
2000

QUESTA
AUG
29
PM
2000
87556

33 USA

EPA Region 6 (6SF-PO)
attn: Ms. Beverly Negri
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

75202/2733

RECEIVED
EPA REGION VI

00 SEP 5 AM 11: 04

PROGRAMS MGMT BRANCH

4601 Montano Rd. NW, Apt 116
Albuquerque, New Mexico 87120

August 24, 2000

Beverly Negri
TAG Coordinator
U.S. EPA (6SF-PO)
1445 Ross Avenue
Dallas, Texas 75202-2733

Dear Beverly:

As a result of the information I received today from Don Williams on the status of negotiations with Molycorp in Questa, and based on my subsequent conversation with you, I hereby request an extension of the deadline for the TAG application from the Rio Colorado Reclamation Committee. Since Don's information indicates that there will probably be nothing done on a work plan for the Molycorp site until approximately January 1, 2001, it seems sensible to move the deadline to February 1, 2001, as you suggested.

If I receive any new information from either Don or Kathleen Aisling which would change the above timing, I will contact you immediately.

Thank you for your continued help in this process. I hope that this extension will aid us in getting more members of the Questa community involved in the TAG process.

Sincerely,

Karen Ross Douglas

Karen Ross Douglas
for the Rio Colorado Reclamation Committee

Douglas
Rio Grande Reclamation Committee
4601 Montano NW, APT. 116
ABQ, New Mexico 87120

BUDDINGER, NM 07101
P.M.
30 AUG
2000

33 USA

Beverly Negri, TAG Coordinator
U.S. EPA (6SF-PO)
1445 Ross Avenue
Dallas, Texas 75202-2733

75202+2812

July 25, 2000

Ms. Karen Douglas
Rio Colorado Reclamation Committee
4601 Montano NW, Apt. 116
Albuquerque, NM 87120

Re: MolyCorp, Inc. Superfund Site
Application for Technical Assistance Grant

Dear Ms. Douglas:

The U.S. Environmental Protection Agency (EPA) is accepting your June 20, 2000, Letter of Intent (LOI) as the "Rivers and Birds" group has withdrawn their interest in applying for a Technical Assistance Grant (TAG). A notice will be placed this week or next in a local newspaper listing the Rio Colorado Reclamation Committee and your name, with phone number, as the primary contact person. As we do not have a local address to place in the newspaper, no contact address will be given.

In order to assist in completing your TAG application, we are enclosing three additional handbooks on the Superfund Technical Assistance Grant process. The handbooks are "The Application Forms with instructions"; "Managing Your Grant"; and "Procurement - Using TAG Funds". The booklet "Superfund Technical Assistance Grant Handbook - Applying for your Grant" was mailed to you in our letter of July 6, 2000.

If you have any questions, please call me at 214-665-8157 or Zana Halliday at 1-800-533-3508.

Sincerely yours,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

Enclosures (3)

cc: Electronic

| | |
|---|---|
| Aisling | (6SF-LT) |
| Rodriguez | (6SF-PO) |
| Scott | (6MD-RX) |
| TAG File | (6SF-PO) |

molydouglas.wpd

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Environmental Protection Agency
1445 Ross Avenue
Dallas, Tx 75202-2733
Attn: Zana Halliday (6SF-PO)

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00 AUG -3 PM 4:34

54

Molycorp-L01

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- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Ms. Karen Douglas
Rio Colorado Reclamation Comm.
4601 Montano NW, Apt 116
Albuq. NM 87120

4a. Article Number
P 373 363 887

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X Karen Douglas

PS Form **3811**, December 1994 102595-98-B-0229 Domestic Return Receipt

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P 373 363 887

UNITED STATES POSTAL SERVICE

**Receipt for Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

| | |
|---|---|
| Sent to Karen Douglas | |
| Street and No. (RCRC) | |
| P.O., State and ZIP Code 4601 Montano NW | |
| Postage apt 11b | $ |
| Certified Fee Albuq NM 87120 | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date Moly corp - L01 | |

PS Form 3800, June 1991

RECEIVED
EPA REGION VI
00 JUL 24 PM 3:50
PROGRAMS MGMT BRANCH

Rivers and Birds
PO Box 820 Arroyo Seco, NM 87514

Beverly Negri
TAG Project Officer
US EPA
Program Management Branch
1445 Ross Ave
Dallas, TX 75202

Fax:214-665-6600

July 24, 2000

Dear Beverly,

Rivers and Birds would like to withdraw its interest in the TAG for the Molycorp Superfund Project. We understand that there is a grassroots group out of Questa that is interested in applying. We feel it is more appropriate for them as they have had such close involvement with this issue.

Thank you for your time. Good luck with this project. We hope it is effective.

Sincerely,

Roberta Salazar, Executive Director, *Rivers and Birds*

RECEIVED
EPA REGION VI
00 JUL 27 PM 1:41
PROGRAM MANAGEMENT BRANCH

**RIO COLORADO RECLAMATION COMMITTEE**
**c/o Karen R. Douglas**
**4601 Montano N.W., Apt. 116**
**Albuquerque, New Mexico 87120**

July 20, 2000

Beverly Negri
Superfund Community Involvement
U.S. EPA (6SF-PO)
Program Management Branch
1445 Ross Avenue
Dallas, Texas 75202

Via Fax and USPS

Dear Ms. Negri:

Per our conversation on Monday, please consider this the revised Letter Of Intent by the Rio Colorado Reclamation Committee (hereafter RCRC) to apply for the TAG grant pertaining to the Molycorp Questa Molybdenum Mine Site.As I discussed with you, should we be awarded the grant we will use monies from the grant fund to finance our incorporation.

I spoke with Roberta Salazar immediately after speaking with you. It was my understanding from that conversation that she planned to contact you the same day to ascertain the process for withdrawing the Letter of Intent submitted by Rivers and Birds.

As I explained to you, because of my lack of telephone or mailing address at our cabin, which is just outside of Questa, it is more practical to reach me by mail at the above address in Albuquerque. The telephone number is (505)899-0774. All contact for the RCRC can be made with me here until we establish a mailing address and phone number in the Questa area..

Please let me know when the ad announcing our Letter Of Intent will run, or if any other groups have submitted an LOI so that we might begin negotiations to merge as soon as possible.

It is my understanding that, from the time the newspaper ad runs we have at least 60 days to prepare and submit our application. Please let me know if this is incorrect, and if so, what is the actual time frame.

Sincerely,
Karen Douglas
Karen Ross Douglas

cc: Brian Shields

8-1-00

TAG File

Talked w/ Karen Douglas on 8-1.

- Emphasized that a local address for Rio Colorado Reclamation Comm. If calls/comments are received per this concern we will inform them that Rio Colorado is working toward that goal.

- Told Ms Douglas that LOI notice should be in paper on 8-3 or 8-10. Dates are 9-1-00 and 10-2-00

- Encouraged her to call me with any needs for completion of the application

# PUBLIC NOTICE

**U.S. EPA Receives Letter of Intent to Apply for the Molycorp Superfund Site Technical Assistance Grant**

**Questa, New Mexico**

The U.S. Environmental Protection Agency (EPA) Region 6 has received a letter of intent to apply for the Technical Assistance Grant (TAG) for the Molycorp Superfund Site. The TAG can be used to hire a technical advisor to interpret site studies and reports for area residents.

By law, only one grant of up to $50,000 may be awarded to a citizens' group at any one site. In order to ensure that recipient groups represent all community views, EPA encourages all citizens' groups interested in applying for a TAG at this site to consolidate and file a joint application. Groups that wish to join for the purposes of this grant must, by September 1, 2000, notify:

Rio Colorado Reclamation Committee
c/o Karen R. Douglas
4601 Montano N.W., Apt. 116
Albuquerque, New Mexico 87120
505-899-0744

Groups wishing to file a separate grant application must submit to EPA a letter of intent to file an application no later than September 1, 2000. All grant applications must be filed with EPA by October 2, 2000. Groups that require additional time to file an application may submit a written request for an extension to EPA for consideration.

Letters of intent to apply for a TAG for the Molycorp Superfund Site should be sent to:

**Beverly Negri, TAG Coordinator**
U.S. EPA (6SF-PO)
1445 Ross Avenue
Dallas, TX 75202-2733
214-665-8157 or 1-800-533-3508

**Beverly Negri**

08/01/2000 03:21 PM

To: Zana Halliday/R6/USEPA/US@EPA

cc:

Subject: Conversation w/Karen Douglas on TAG Application fo Molycorp

Karen wanted to know if they could apply for the TAG before they are incorporated and still be reimbursed for incorporation costs. I explained that group does not have to have completed the incorporation process, but funds can't be drawn (except for the reimbursement) until group has been incorporated.

Beverly Negri

**RIO COLORADO RECLAMATION COMMITTEE**
**c/o Karen R. Douglas**
**4601 Montano N.W., Apt. 116**
**Albuquerque, New Mexico 87120**

July 20, 2000

Beverly Negri
Superfund Community Involvement
U.S. EPA (6SF-PO)
Program Management Branch
1445 Ross Avenue
Dallas, Texas 75202

Via Fax and USPS

Dear Ms. Negri:

Per our conversation on Monday, please consider this the revised Letter Of Intent by the Rio Colorado Reclamation Committee (hereafter RCRC) to apply for the TAG grant pertaining to the Molycorp Questa Molybdenum Mine Site.As I discussed with you, should we be awarded the grant we will use monies from the grant fund to finance our incorporation.

I spoke with Roberta Salazar immediately after speaking with you. It was my understanding from that conversation that she planned to contact you the same day to ascertain the process for withdrawing the Letter of Intent submitted by Rivers and Birds.

As I explained to you, because of my lack of telephone or mailing address at our cabin, which is just outside of Questa, it is more practical to reach me by mail at the above address in Albuquerque. The telephone number is (505)899-0774. All contact for the RCRC can be made with me here until we establish a mailing address and phone number in the Questa area..

Please let me know when the ad announcing our Letter Of Intent will run, or if any other groups have submitted an LOI so that we might begin negotiations to merge as soon as possible.

It is my understanding that, from the time the newspaper ad runs we have at least 60 days to prepare and submit our application. Please let me know if this is incorrect, and if so, what is the actual time frame.

Sincerely,
Karen Ross Douglas
Karen Ross Douglas

cc: Brian Shields

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Environmental Protection Agency
1445 Ross Avenue
Dallas, Tx 75202-2733
Attn: Zana Halliday (6SF-PO)

54

Molycorp L01

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I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Ms. Roberta Salazar
Executive Director
"Rivers + Birds"
P.O. Box 820
Arroyo Seco, NM 87514

4a. Article Number
P 239 546 160

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
8-3-00

5. Received By: *(Print Name)*
DOLA BRIDGERS

6. Signature: *(Addressee or Agent)*
X [signature]

8. Addressee's Address *(Only if requested and fee is paid)*

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P 239 546 160

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| | |
|---|---|
| Sent to Roberta Salazar | |
| Street and No. Eple. Div. | |
| P.O., State and ZIP Code "Rivers & Birds" | |
| Postage P.O. Box 820 | $ |
| Certified Fee Arroyo Seco, NM | |
| Special Delivery Fee 87514 | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, and Addressee's Address | |
| TOTAL Postage & Fees | $ |
| Postmark or Date L01 - Molycorp. | |

PS Form 3800, June 1991

July 25, 2000

Ms. Roberta Salazar
Executive Director
"Rivers and Birds"
P.O. Box 820
Arroyo Seco, NM 87514

Re: MolyCorp, Inc.
Superfund Site
Letter of Intent for
Technical Assistance Grant (TAG)

Dear Ms. Salazar:

The U.S. Environmental Protection Agency has received your letter dated July 24, 2000, stating that you wish to withdraw the "Rivers and Birds" Letter of Intent to apply for a TAG for the Molycorp, Inc. Superfund project. Thank you for notifying us that you have withdrawn your interest in a TAG.

We appreciate your concern with this superfund site and hope that you will continue to take an active part in helping to support the community with information about Molycorp.

If you have any questions, please call me at 214-665-8157.

Sincerely yours,

Beverly Negri

Beverly Negri (6SF-PO)
TAG Project Officer

cc: Electronic

| | |
|---|---|
| Aisling | (6SF-LT) |
| Rodriguez | (6SF-PO) |
| Scott | (6MD-RX) |
| TAG File | (6SF-PO) |

molycorp.wpd

**Zana Halliday**

07/06/2000 01:57 PM

To: Kathleen Aisling/R6/USEPA/US@EPA, Lindam Rodriguez/R6/USEPA/US@EPA, Tenna Scott/R6/USEPA/US@EPA

cc:

Subject: LOI Responses to "Rivers & Birds" and Karen Douglas

please see attached

applmolycorp. molycor2.w

Linda will be placing the LOI notice in a local newspaper next week.

UNITED STATES POSTAL SERVICE

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Permit No. G-10

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Environmental Protection Agency
1445 Ross Avenue
Dallas, Tx 75202-2733
Attn: Zana Halliday (6SF-PO)

Molycorp TAG-L01

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I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Ms. Karen Douglas
Amigos Bravos
P.O. Box 238
Taos, NM 87571

4a. Article Number
P 435 985 945

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt ~~for Merchandise~~ requested ☐ COD

7. Date of Delivery
7/10/02

5. Received By: *(Print Name)*
Becky Wolf

6. Signature: *(Addressee or Agent)*
X Becky Wolf

8. Addressee's Address *(Only if requested and fee is paid)*

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P 435 985 945

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED
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| | |
|---|---|
| Sent to Ms. Karen Douglas | |
| Street and No. Amigos Bravos | |
| P.O., State and ZIP Code P.O. Box 238 | |
| Postage Taos, NM 87571 | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt showing to whom and Date Delivered ✓ | |
| Return Receipt showing to whom, Date, and Address of Delivery | |
| TOTAL Postage and Fees | $ |
| Postmark or Date Moly corp LOI response | |

PS Form 3800, June 1985 ☆U.S.G.P.O. 1989-234-555

July 6, 2000

Ms. Karen Douglas
Amigos Bravos
P.O. Box 238
Taos, NM 87571

Re: Molycorp, Inc. Superfund Site
Application for Technical Assistance Grant

Dear Ms. Douglas:

Thank you for your June 19. 2000, Letter of Intent (LOI) notifying the U.S. Environmental Protection Agency (EPA) of your group's intent to apply for a Technical Assistance Grant (TAG) for the Molycorp, Inc. Superfund Site. A copy of the EPA booklet "Superfund Technical Assistance Grant (TAG) Handbook: Applying For Your Grant", and a grant application kit which includes instructions for completing the required forms and provides specific details on the TAG program, including group eligibility, was mailed to you on June 20, 2000. We have an LOI from a group called "Rivers and Birds" who have also expressed interest in applying for a Molycorp TAG. They will be the primary group listed in the public notice which will be published within a few weeks in the local newspaper. The contact name and address of this group is shown below:

Ms. Roberta Salazar
Executive Director
"Rivers and Birds"
P.O. Box 820
Arroyo Seco, NM 87514
Phone: 505-776-5203

The TAG application process begins when a group of individuals affected by the site submits a LOI to the EPA. The applicant group cannot be a political subdivision, an educational institution, a Potentially Responsible Party (PRP) or be affiliated with a PRP at the site. In the newspaper notice, a 30-day deadline will be established for other potential applicants to submit a LOI and submit their own application, or form a coalition with the original applicant, "Rivers and Birds". A second deadline for all applicants to send in their TAG applications will also be included in the notice. Since only one TAG can be awarded for each site, all applicant groups are encouraged to coordinate and form a coalition and submit one TAG application to maximize benefits to the whole community.

To ensure that TAGs are awarded to the applicants most directly affected by National Priority List (NPL) sites, the EPA has developed a process to evaluate the strengths and weaknesses of the TAG applications submitted by the interested groups. An internal EPA Superfund/Regional Counsel work group most involved with the site (i.e., the site's Remedial Project Manager, Community Involvement Coordinator, Legal Counsel, etc.) reviews and scores each application.

To be eligible for a TAG, your group must be incorporated as a non-profit group for the purpose of addressing the issues at the Molycorp, Inc. Superfund site. Since you state that your group is not incorporated, it must be incorporated for the purposes of the TAG program and be significantly involved with issues related with the site. Incorporation costs are reimbursable with TAG funds, if your group is awarded the TAG. Be sure to state in your application if this is what your group plans to do.

If you have any questions, please call me at 214-665-8157 or call Zana Halliday at 1-800-533-3508.

Sincerely yours,

Beverly Negri

Beverly Negri
TAG Project Officer

cc: w/o enclosures
Aisling (6SF-LT)
Rodriguez (6SF-PO)
Scott (6MD-RX)
TAG File (6SF-PO)

~~app~~molycorp2.wpd

Hand delivered envelopes to mailroom - 12th Floor (2 letters)
7/6/00 2:20 PM. zph

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USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Environmental Protection Agency
1445 Ross Avenue
Dallas, Tx 75202-2733
Attn: Zana Halliday (6SF-PO)

Mdycorp TAG-201

**SENDER:**
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Ms. Roberta Salazar
Executive Director
"Rivers + Birds"
P.O. Box 820
Arroyo Seco, NM 87514

4a. Article Number
P 435 985 946

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD
Requested

7. Date of Delivery
7-19-00

5. Received By: *(Print Name)*
Doug Bridgers

6. Signature: *(Addressee or Agent)*
X DOUG BRIDGERS

8. Addressee's Address *(Only if requested and fee is paid)*

ARROYO SECO NM 87514 JUL 19 2000 USPS

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form **3811**, December 1994 102595-98-B-0229 Domestic Return Receipt

P 435 985 946

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

*(See Reverse)*

| | |
|---|---|
| Sent to Roberta Salazar | |
| Street and No. Executive Director "Rivers + Birds" | |
| P.O., State and ZIP Code P. O. Box 820 | |
| Postage Arroyo Seco 87514 | $ |
| Certified Fee ✓ | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt showing to whom and Date Delivered | |
| Return Receipt showing to whom, Date, and Address of Delivery | |
| TOTAL Postage and Fees | $ |
| Postmark or Date Molycorp TAG-L01 | |

PS Form 3800, June 1985 ☆U.S.G.P.O. 1989-234-555

*Fold at line over top of envelope to the right of the return address*

July 6, 2000

Ms. Roberta Salazar
Executive Director
"Rivers and Birds"
P.O. Box 820
Arroyo Seco, NM 87514

Re: "Rivers and Birds"
Molycorp, Inc. Superfund Site
Application for Technical Assistance Grant

Dear Ms. Salazar:

Thank you for your June 19. 2000, Letter of Intent (LOI) notifying the U.S. Environmental Protection Agency (EPA) of the "Rivers and Birds" association's intent to apply for a Technical Assistance Grant (TAG) for the Molycorp, Inc. Superfund Site. A copy of the EPA booklet "Superfund Technical Assistance Grant (TAG) Handbook: Applying For Your Grant" and a grant application kit was delivered to you by Linda Rodriguez, Community Involvement Coordinator, at the Molycorp Open House on Thursday, June 22, 2000. The EPA grant application includes instructions for completing the required forms and provides specific details on the TAG program, including group eligibility.

The TAG application process begins when a group of individuals affected by the site submits a LOI to the EPA. The applicant group cannot be a political subdivision, an educational institution, a Potentially Responsible Party (PRP) or be affiliated with a PRP at the site. In the next several weeks we will publish a notice in a local newspaper that "Rivers and Birds" has expressed interest in applying for the TAG. In the newspaper notice, a 30-day deadline will be established for other potential applicants to submit a LOI and submit their own application, or form a coalition with the original applicant, "Rivers and Birds". We have now also received a LOI from Karen Douglas of Amigos Bravos. In the public notice that will be published in the newspaper we will list you as the primary contact for the TAG application.

A second deadline for all applicants to send in their TAG applications will also be included in the notice. Since only one TAG can be awarded for each site, all applicant groups are encouraged to coordinate and form a coalition and submit one TAG application to maximize benefits to the whole community.

To ensure that TAGs are awarded to the applicants most directly affected by National Priority List (NPL) sites, the EPA has developed a process to evaluate the strengths and weaknesses of the TAG applications submitted by the interested groups. An internal EPA Superfund/Regional Counsel work group most involved with the site (i.e., the site's Remedial Project Manager, Community Involvement Coordinator, Legal Counsel, etc.) reviews and scores each application.

To be eligible for a TAG, your group must be incorporated as a non-profit group for the purpose of addressing the issues at the Molycorp, Inc. Superfund site. If "Rivers and Birds" is already incorporated for another purpose, it must be reincorporated for the purposes of the TAG program, unless you can show that the "Rivers and Birds" group members have been significantly involved with issues related with the site. Incorporation costs are reimbursable with TAG funds, if your group is awarded the TAG. Be sure to state in your application if this is what your group plans to do.

If you have any questions, please call me at 214-665-8157 or call Zana Halliday at 1-800-533-3508.

Sincerely yours,

Beverly Negri

Beverly Negri
TAG Project Officer

cc: w/o enclosures
Aisling (6SF-LT
Rodriguez (6SF-PO)
Scott (6MD-RX)
TAG File (6SF-PO)

applmolycorp.wpd

United States Postal Service

Official Business

U.S.M

PENALTY F
USE,

Print your name, address and ZIP Code he

US EPA R6
1445 Ross Ave suite
Dallas, TX 75202-2
ATTN: Zana Hallida
6SF

Is your RETURN ADDRESS completed on the reverse side?

TAG INFO - Molyco

**SENDER:**
- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Karen Douglas
c/o Amigos Bravos
115 Desgeorges Lane
Taos, NM 87571

4a. Article Number
P 435 985 944

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☑ Return Receipt ~~for Merchandise~~ Req

7. Date of Delivery
6/22/00

5. Signature (Addressee)
Becky Wolf

6. Signature (Agent)
Wd

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, October 1990 ☆U.S. GPO: 1990—273-861 DOMESTIC RETURN RECEIPT

P 435 985 944

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

*(See Reverse)*

| | |
|---|---|
| Sent to Karen Douglas | |
| Street and No. 115 Desgcolpges | |
| P.O., State and ZIP Code Taos, NM 87571 | |
| Postage | $ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt showing to whom and Date Delivered | |
| Return Receipt showing to whom, Date, and Address of Delivery | |
| TOTAL Postage and Fees | $ |
| Postmark or Date | |

PS Form 3800, June 1985

☆U.S.G.P.O. 1989-234-555

AMIGOS BRAVOS

*Friends of the Wild Rivers*

**FAX TRANSMITTAL**

**Date:** 6/19/00

**To:** Beverly Negri

**Fax #:** 214-665-6660

**From:** Karen Douglas

**Fax #:** (505) 758-7345

**Voice #:** (505) 758-3874

Number of pages including cover sheet: 1

---

Beverly,

Our group (yet to be named) wishes to apply for a TAG grant for the Molycorp site. Would you please send all relevant information on the application process.

Thank you for your quick cooperation.

Karen Douglas

Karen Douglas

RECEIVED EPA REGION VI 00 JUN 19 PM 4:02 PROGRAMS MGMT BRANCH

6/20

Ms. Zana –
I am mailing this TAG info to Molycorp. This is the receipt.
Thanks
Amber

certified & receipt reg. in your name

PO BOX 238 · TAOS, NEW MEXICO 87571
T. 505-758-3874 · F. 505-758-7345
email: bravos@amigosbravos.org www.amigosbravos.org

Rivers and Birds
PO Box 820 Arroyo Seco, NM 87514 Phone: 505-776-5203
Executive Director: Roberta Salazar

RECEIVED
EPA REGION VI
00 JUN 23 PM 1:00
PROGRAMS MANAGEMENT

Beverly Negri, TAG Coordinator
US EPA Region 6 (6SF-PO)
1445 Rose Avenue,
Dallas, Texas 75202

June 19, 2000

Dear Beverly,

Rivers and Birds Inc. would like to apply for the Technical Assistance Grant for the Molycorp, Inc. site. We are a non-profit organization that is dedicated to conservation education and community building. We also provide technical services such as biological and restoration work for public lands and land management agencies. I am confident that we would be technically capable and capable of developing a positive working rapport with the community for this important effort.

Ernie Atencio and myself will be present at the open house on Thursday, June 22 to meet Linda Rodriguez for an application packet.

Thank you for your consideration.

Sincerely,

Roberta Salazar,
Executive Director, *Rivers and Birds*

**Beverly Negri**
06/19/00 03:24 PM

To: Kathleen Aisling/R6/USEPA/US@EPA, Brenda Cook/R6/USEPA/US@EPA, Wren Stenger/R6/USEPA/US@EPA

cc: Betty Williamson/R6/USEPA/US@EPA, Tomc Reilly/R6/USEPA/US@EPA

Subject: TAG Application package & book

Linda,

I received a call from a Mr. Ernest Atencio of the Rivers & Birds Education Project group. This group is interested in applying for the Molycorp TAG. Mr. Atencio said that either he or his associate, Ms. Roberta Salazar ,would attend the 6-22 meeting in Questa.

I committed to sending with you a TAG grant application package and the *Superfund Technical Assistance Grant (TAG) Handbook: Applying for Your Grant.* Please give this material to Mr. Atencio or Ms. Salazar at the meeting.

Zana - please start a TAG file for Molycorp.

I also received a call from Karen Douglas, she indicated that she would be sendinga LOI for Molycorp via fax tomorrow. I told her that once we received the LOI, we would also send her an application package and the booklet. materials sent via overnight

Once the LOIs are in, we'll need to place a public notice in the newspaper...do we have a contract in place yet????

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
Superfund Job Training Initiative Liaison
214.665.8157
negri.beverly@epa.gov
Have a great day!

**Beverly Negri**
06/19/00 11:45 AM

To: Lindam Rodriguez/R6/USEPA/US, Zana Halliday/R6/USEPA/US,

cc:
Subject: TAG Application package & book

Linda,

I received a call from a Mr. Ernest Atencio of the Rivers & Birds Education Project group. This group is interested in applying for the Molycorp TAG. Mr. Atencio said that either he or his associate, Ms. Roberta Salazar ,would attend the 6-22 meeting in Questa.

I committed to sending with you a TAG grant application package and the *Superfund Technical Assistance Grant (TAG) Handbook: Applying for Your Grant.* Please give this material to Mr. Atencio or Ms. Salazar at the meeting.

Zana - please start a TAG file for Molycorp.

Beverly Negri
Superfund Community Involvement
Technical Assistance Grants Project Officer
Superfund Job Training Initiative Liaison
214.665.8157
negri.beverly@epa.gov
Have a great day!

6-19 2:15 pm
Ms. Salazar called asking about the package. I told her to give Linda an LOI on 6-22. Linda will hand carry an application package w/o us having the LOI in hand. All related TAG handouts were included in the TAG package.

# U.S. ENVIRONMENTAL PROTECTION AGENCY

## Grant Agreement

| ASSISTANCE ID NO. | | | DATE OF AWARD |
|---|---|---|---|
| PRG | DOC ID | AMEND# | AUG 29 2002 |
| 1 - | 98687101 | - 0 | |
| TYPE OF ACTION: New | | | MAILING DATE: SEP 06 2002 |
| PAYMENT METHOD: Reimbursement | | | ACH# |

**RECIPIENT TYPE:**
Non-Profit Organization

**Send Payment Request to:**
Grants Management Office (6MD-RX)

**RECIPIENT:**
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556
**EIN:** 02-0621117

**PAYEE:**
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Executed Copy For File

| PROJECT MANAGER | EPA PROJECT OFFICER | EPA GRANT SPECIALIST |
|---|---|---|
| Rachel Conn<br>P.O. Box 637<br>Questa, NM 87556<br>**E-Mail:**<br>**Phone:** 505/751-7009 | Beverly Negri<br>Superfund Division, 6SF-PO<br>**E-Mail:** Negri.Beverly@epa.gov<br>**Phone:** 214-665-8157 | Darlene Coulson<br>Management Division, 6MD-RX<br>**E-Mail:** Coulson.Darlene@epa.gov<br>**Phone:** 214-665-7455 |

**PROJECT TITLE AND DESCRIPTION**
TAG - Molycorp Mining Site
TAG recipient will hire a Technical Advisor (TA), who will review all site related documents interpreting and explaining the nature of the hazard to the community. The TA will also provide information on community concerns to EPA for consideration.

| BUDGET PERIOD | PROJECT PERIOD | TOTAL BUDGET PERIOD COST | TOTAL PROJECT PERIOD COST |
|---|---|---|---|
| 10/01/2002 - 09/30/2005 | 10/01/2002 - 09/30/2005 | $62,500.00 | $62,500.00 |

**NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.**

**OFFER AND ACCEPTANCE**

**The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the Rio Colorado Reclamation Committee for 80.00 % of all approved costs incurred up to and not exceeding $50,000 for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed 06/01/2002 included herein by reference.**

| ISSUING OFFICE (GRANTS MANAGEMENT OFFICE) | AWARD APPROVAL OFFICE |
|---|---|
| ORGANIZATION / ADDRESS | ORGANIZATION / ADDRESS |
| Management Division, 6MD-RX<br>Fountain Place<br>1445 Ross Avenue<br>Dallas, TX 75202-2733 | U.S. EPA, Region 6<br>1445 Ross Avenue<br>Dallas, TX 75202-2733 |

**THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY**

| SIGNATURE OF AWARD OFFICIAL | TYPED NAME AND TITLE | DATE |
|---|---|---|
| Brenda J. Durden | Brenda Durden, Chief, Procurement and Grants Section | AUG 29 2002 |

**This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.**

**BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION**

| SIGNATURE | TYPED NAME AND TITLE | DATE |
|---|---|---|
| Rachel Conn | Rachel Conn, Program Director | 9/23/02 |

# EPA Funding Information



| FUNDS | FORMER AWARD | THIS ACTION | AMENDED TOTAL |
|---|---|---|---|
| EPA Amount This Action | $ | $ 50,000 | $ 50,000 |
| EPA In-Kind Amount | $ | $ | $ 0 |
| Unexpended Prior Year Balance | $ | $ | $ 0 |
| Other Federal Funds | $ | $ | $ 0 |
| Recipient Contribution | $ | $ 12,500 | $ 12,500 |
| State Contribution | $ | $ | $ 0 |
| Local Contribution | $ | $ | $ 0 |
| Other Contribution | $ | $ | $ 0 |
| Allowable Project Cost | $ 0 | $ 62,500 | $ 62,500 |

| Assistance Program (CFDA) | Statutory Authority | Regulatory Authority |
|---|---|---|
| 66.806 - Superfund Technical Assistance Grants | CERCLA: Sec. 117(E) | 40 CFR PART 30 |

## Fiscal

| Site Name | DCN | FY | Approp. Code | Budget Organization | PRC | Object Class | Site/Project | Cost Organization | Obligation / Deobligation |
|---|---|---|---|---|---|---|---|---|---|
| MOLYCORP | SGR018 | 02 | T | 6AS0P | 50102D | 4185 | 06DLTG00 | C001 | 50,000 |
| | | | | | | | | | 50,000 |

Budget Summary Page

| Table A - Object Class Category (Non-construction) | Total Approved Allowable Budget Period Cost |
|---|---|
| 1. Personnel | $0 |
| 2. Fringe Benefits | $0 |
| 3. Travel | $0 |
| 4. Equipment | $0 |
| 5. Supplies | $2,800 |
| 6. Contractual | $116,900 |
| 7. Construction | $0 |
| 8. Other | $5,300 |
| 9. Total Direct Charges | $125,000 |
| 10. Indirect Costs: % Base | $0 |
| 11. Total (Share: Recipient 20.00 % Federal 80.00 %.) | $125,000 |
| 12. Total Approved Assistance Amount | $50,000 |
| 13. Program Income | $0 |

typo
copy provided to Conn & Michelson on 8-26-03

Detailed Budget Page: 3

| Table A - Object Class Category (Non-construction) | Total Approved Allowable Budget Period Cost |
|---|---|
| 1. Personnel | $0 |
| 2. Fringe Benefits | $0 |
| 3. Travel | $0 |
| 4. Equipment | $0 |
| 5. Supplies | $1,400 |
| 6. Contractual | $58,450 |
| 7. Construction | $0 |
| 8. Other | $2,650 |
| 9. Total Direct Charges | $62,500 |
| 10. Indirect Costs | $0 |
| 11. Total (Share: Recipient % Federal %.) | $62,500 |
| 12. Total Approved Assistance Amount | $0 |
| 13. Program Income | $0 |

Detailed Budget Page: 4

| Table A - Object Class Category (Non-construction) | Total Approved Allowable Budget Period Cost |
|---|---|
| 1. Personnel | $0 |
| 2. Fringe Benefits | $0 |
| 3. Travel | $0 |
| 4. Equipment | $0 |
| 5. Supplies | $1,400 |
| 6. Contractual | $58,450 |
| 7. Construction | $0 |
| 8. Other | $2,650 |
| 9. Total Direct Charges | $62,500 |
| 10. Indirect Costs | $0 |
| 11. Total (Share: Recipient 20.00 % Federal 80.00 %.) | $62,500 |
| 12. Total Approved Assistance Amount | $50,000 |
| 13. Program Income | $0 |

EPA $5000
" 45,000

## Administrative Conditions

This Assistance Agreement is awarded in accordance with the **Federal Grants and Cooperative Agreement Act of 1977.** Areas of substantial EPA involvement, beyond the normal exercise of performance evaluation and program review, have been detailed in specific output objectives which resulted from negotiation between EPA and the recipient. These areas are included in the application for this award and have become a part of this Agreement.

1. The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this Agreement, in accordance with all applicable provisions of **40 CFR Chapter 1, Subchapter B.** The recipient warrants, represents, and agrees that it and all its contractors, employees and representatives, will comply with all APPLICABLE provisions of **40 CFR Chapter 1, Subchapter B, INCLUDING BUT NOT LIMITED TO** the provisions of **40 CFR Parts 30, 32, and 34.** This award may be reduced or terminated at such time the recipient fails to comply with the program objectives, grant award conditions, or Federal reporting requirements.

2. Recipient standards of administration, property management, procurement and financial management, as well as records and facilities of recipients, their contractors and subcontractors are subject to audit and inspection by the Comptroller General of the United States and the U.S. Environmental Protection Agency in accordance with Office of Management and Budget (OMB) Circulars A-21, A-122, A-110, A-133 and 40 CFR Parts 30, 32, and 34. The recipient shall maintain a financial management system which meets the requirements of 40 CFR Part 30.20.

3. Pursuant to EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this Agreement and delivered to EPA. This requirement does not apply to standard forms which are printed on recycled paper when available through the General Services Administration.

4. In accordance with **40 CFR Part 30.52**, the recipient shall submit an **annual Financial Status Report (FSR), Standard Form 269 or 269A, to:**

   Grants Team (6MD-RX)
   U. S. Environmental Protection Agency, Region 6
   1445 Ross Avenue
   Dallas, Texas 75202-2733

   The final Financial Status Report (FSR) is due on or before 90 days after the end of the budget period. All project expenditures reported by the recipient shall be deemed to include both the Federal and recipient share of expenditures (40 CFR Part 30.52).

5. The recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds, complies with the Hotel and Motel Fire Safety Act of 1990.

6. Pursuant to Section 18 of the Lobbying Disclosure Act of 1995, P.L. No., 104-65. 109 Stat. 691, the recipient confirms that:

   (1) it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or

   (2) it is a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986 but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995.

7. Under the Paperwork Reduction Act of 1980, Office of Management and Budget (OMB) clearance must be obtained prior to collecting information from 10 or more persons and will use EPA's name while collecting the information under this project. The term "person" means an individual, partnership, association, corporation, business, trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision. The EPA Project Officer is responsible for requesting clearance from OMB.

8. In accordance with OMB Circulars No. A-122, A-21 and A-87, the recipient agrees it will not use grant assistance funds for suits against the Federal Government. Pursuant to Section 409 of the Environmental Protection Agency's Appropriations Act of 1998, P.L. No., 105.

9. In accordance with OMB Circular A-21, A-87, or A-22, as appropriate, the recipient agrees that it will not use project funds, including the Federal and non-Federal share, to engage in lobbying the Federal Government or in litigation against the United States. The recipient also agrees to provide the information mandated by EPA's annual appropriations acts for fiscal years 2000, 2001 and 2002 (PL 106-74, Section 426 and PL 106-377, Section 424 respectively) which require as follows: "A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law." The recipient may satisfy this certification requirement in any reasonable manner. The certification must be submitted to EPA after all grant funds have been expended.

10. In accordance with OMB Circular A-133, the recipient shall obtain a single audit if it expends $300,000 or more a year in federal awards.

11. The Federal share of allowable expenditures chargeable to this Agreement will be financed by the **REIMBURSEMENT PAYMENT METHOD** in accordance with 40 CFR Part 31.21 or 30.22 as applicable. The recipient shall request payments on the enclosed Standard Form 270, Request for Advance or Reimbursement; or Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. As the recipient incurs expenditures under this Agreement, the recipient may submit a request for payment monthly, but shall

submit requests at least quarterly. These requests will report cumulative expenditures incurred under the Agreement. EPA will make payments for allowable expenditures at the ratio shown in the latest Agreement.

12. The recipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements:

a. The recipient accepts the applicable FY 2002 Minority Business Enterprise (MBE)/Women's Business Enterprise (WBE) "fair share" goals/objectives negotiated with EPA by the New Mexico Environment Department as follows:

MBE: CONSTRUCTION - ; SUPPLIES - ; SERVICES - ; EQUIPMENT -
WBE: CONSTRUCTION - ; SUPPLIES - ; SERVICES - ; EQUIPMENT -

If the recipient wishes to negotiate their own FY 2002 MBE/WBE goals, the recipient must submit proposed MBE/WBE goals based on an availability analysis, or, at their option, a disparity study, of qualified MBEs and WBEs to do the work in the relevant market for construction, services, supplies and equipment. The recipient agrees to submit proposed "fair share" objectives, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 30 days of award. EPA will conclude "fair share" negotiations within 30 days of receiving the submission. Once EPA approves the objectives, the recipient agrees to apply them in accordance with paragraphs 1.(b)-(f).

b. (1) The recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organization owned or controlled by socially and economically disadvantaged individuals, women and Historically Black Colleges and Universities.

(2) For assistance agreements related to research under the Clean Air Act Amendments of 1990, the recipient agrees to ensure, to the fullest extent possible, that at least the applicable "fair share" objectives of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, disabled Americans, Historically Black Colleges and Universities, Colleges and Universities having a student body in which 40% or more of the students are Hispanic, minority institutions having a minority student body of 50% or more, and private and voluntary organizations controlled by individuals who are socially and economically disadvantaged.

c. The recipient agrees to include in its bid documents the applicable "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontracts the negotiated "fair share" percentages.

d. The recipient agrees to follow the six affirmative steps or positive efforts stated in 40 CFR, Section 30.44(b), 40 CFR Section 31.36(e), or 40 CFR Section 35.6580, as appropriate,

and retain records documenting compliance.

e. The recipient agrees to submit an EPA form 5700-52A "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to the Regional MBE/WBE Coordinator within 30 days of the end of the Federal Fiscal quarter (January 30, April 30, July 30, and October 30). For assistance awards for continuing environmental programs and assistance awards with institutions of higher education, hospitals and other non-profit organizations, the recipient agrees to submit an EPA form 5700-52A to the Regional MBE/WBE Coordinator by October 30 of each year.

f. If race and/or gender neutral efforts prove inadequate to achieve a "fair share" objective, the recipient agrees to notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the "fair share" objectives.

13. The recipient also agrees and is required to utilize the six affirmative steps if a contract is awarded under this agreement relative to small businesses in rural areas (SBRAs) in compliance with Section 129 of Public Law 100-50, 40 CFR Section 30.44(b) and 40 CFR Section 31.36(e).

14. EPA may take corrective action under 40 CFR Parts 30, 31, and 35, as appropriate, if the recipient fails to comply with the MBE/WBE terms and conditions.

15. In accordance with 40 CFR Part 30.27(b) or 31.36(j)(1), EPA participation in the salary rate (excluding overhead) paid to individual consultants is limited to the maximum hourly rate for a level 4 of the Executive Schedule, which is currently approximately $63.28 per hour (2002).

## ***Programmatic Conditions***

16.All TAG deliverables must be included in the official grant document. The deliverables (numbers 1 through 10) are general TAG deliverables for all TAG awardees. The deliverables (numbers 11 through 20) are referenced to the particular action outlined in the recipient's Project Narrative Statement – Statement of Work for the Technical Advisor. All deliverables are to be sent in a timely manner to the EPA TAG Project Officer in the appropriate TAG Quarterly Reports. Grantee is expected to adhere to the following reporting requirements and provide EPA copies of all resultant deliverables:

a. yes, handed out flyers A newspaper notice is to be placed by the recipient group in the local city/town newspaper(s) announcing the awarding of the TAG to the recipient

b. Awardee will host a Post Award meeting in the local city/town area close to the NPL site to announce awarding of Technical Assistance Grant and to receive input and information from the community 9/24/02

c. yes Provide EPA copies of budget and financial tracking protocols

2/26/03 d. A summary report of the first meeting and an address listing of all meeting attendees will be provided to EPA

e. Copy of advertizement for Technical Advisor (TA)

f. Copy of the Request for Proposals (RFP) for potential TAs Proposed Admin 1/3/03 TA 3/3/03

g. 2/12/03 3/6/03 Copy of the final accepted RFP; proposed and final TA contract Final Admin 2/12/03 TA 3/6/03

h. Copies of any/all information or fact sheets created by the TAG recipient under the auspices of the TAG 7-8/03 "Cuentos del Rio" newsletter

ongoing

i. Copies of any and all sign-in sheets produced at any/all TAG recipient meetings under the auspices of the TAG (Names and addresses of attendees will be added to the site mailing list)

j. Copies of any/all notices alerting the public/community of TAG related meetings meeting 6/22/04

4/22/04 9/24/03 9/20/02 k. Copy of TA's written review/assessment of Remedial Investigation, Risk Assessment, QA/QC Plans, Ecological Risk Reports

l. 12/4/04 Written synopsis from TA on TAG related meetings w/local, State and Federal officials

m. 12/4/04 Copies of analysis and critique of existing reports with included recommendations for awardees' response

11/6/03 ongoing

n. yes Copy of any awardees' newspapers that include TAG information or any TA analysis 1/13/05 9/16/04 9/27/04

o. 8/27/04 yes Copy of TA's written review/assessment of Feasibility Study, Preliminary Remedial Designs, etc., along with any risk related documents

1/26/04 3/8/04 p. Written synopsis from TA on meetings w/local, State and Federal officials 10/11/04 TA comments on ATSDR report

q. Copies of analysis and critique of existing reports with included recommendations for awardees response 12/8/03 - Proposed South of Tailings ..."

meeting 8/11/05 meeting 5/19, 20/04

r. Copy of TA's evaluation of the US Geological Survey's report, "An Investigation of Baseline and Pre-Mining ground Water Quality in the Red River Valley Basin, New Mexico"

s. 4/26/03 7-22-03 Copy of TA's written or verbal review/assessment of any remedial related activity

8/13/04 RCRC

t. Copies of any/all documents, reports, newsletters, etc. related to the TA's community outreach 9/16/04, 9/27/04 news articles, Spring 2005 rec'd 8/15/05

NA u. Copy of any TA reports on the draft/final Record of Decision NA

1/20/05 - 4th quarter TA activity report

GENERAL FEDERAL TAG REPORT REQUIREMENTS

| Time Period | Report/Request |
|---|---|
| when grant is awarded | Electronic Transfer Form - open a bank account for the TAG funds; bank official and designated signing authority for TAG need to sign - TAG group returns it to the Region 6 Procurement & Grants Management Office |
| as needed<br>now ASAP | Request for Reimbursement (SF 270) - send the SF 270 to the Region 6 Procurement & Grants Management Office. Attach backup documents to support reimbursement requests (contractor invoices, record of matching share, etc.) |
| 45 days after end of each calendar quarter<br>11/15/02 | TAG Quarterly Progress Report - submit and include copies of any documents created by your TA to Region 6 TAG Project Officer |

Rec'd

4th Quarter 2003 - 12/8/03
4/1-04 - 6/30/04 - 8/13/04
7/1/04 - 9/30/04 11/15/04
10/1 - 12/31/04 2/11/05

Rec'd

1/1/05 - 3/31/05 - 5/10/05
4/1 - 6/30/05 - 5/16/05

| | | |
|---|---|---|
| 2003 rec'd 1/26/04 | annually, 90 days within grant anniversary date<br>due ~~11/30/02~~ NA<br>11/30/03 | Annual Financial Status Report (SF 269) - submit the SF 269 to the Region 6 Procurement & Grants Management Office |
| rec'd 12/13/03 for 2003 not orig. signature rec'd original 3/14/03 | annually, October of each year<br>12/8/03 2003 | Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) Utilization Under Small Grants (SF 334) - submit the SF 334 to the Region 6 Procurement & Grants Management Office |
| | 3 months prior to end of TAG's project/budget dates | Draft of Final Project Report submitted to Region 6 TAG Project Officer for review and approval. |
| | 3 months prior to end of TAG's project and budget dates | Renewal of TAG agreement, if applicable - contact Region 6 TAG Project Officer |
| | within 90 days of end of TAG grant | Final Financial Status Report (SF 269) - submit to the Region 6 Procurement & Grants Management Office |
| | within 90 days of end of TAG | Final Project report - submit to the Region 6 TAG Project Officer |

See File #2

for ALL correspondence

after award.

TECHNICAL ASSISTANCE GRANT
ADMINISTRATIVE/CONTRACTUAL EXPENDITURES

Grantee Rio Colorado Reclamation Committee Superfund Site: Molycorp
Grant Number: 1-98687101-0 Date of Award 8/29/02
Amount of Grant: 50,000 Budget/Project Period: 10/1/02 - 9/30/2005

| Date | Pymt # | | Paid | Cumulative | Balance |
|---|---|---|---|---|---|
| | | | | | 17,028.38 |
| 5/05/05 | 14 | | 640.00 | 33,611.62 ~~640.00~~ | 16,388.38 |
| 8/31/05 | 15 | | 3727.50 | 37,339.12 | 12,660.88 |
| 11/21/05 | 16 | | 6,524.89 | 43,864.01 | 6,135.99 |
| 1/31/06 | 17 | | ~~2,860.00~~ | ~~46,724.01~~ | ~~3,275.99~~ |
| | | per LVFC | -2,905. | 46,769.01 | 3,230.99 |
| 2/14/06 | Decrease | | | | -3,230.99 |
| | | | | | 0 |

Fed
$ 46,760

GRANT OBLIGATION & PAYMENT RECORD

Grantee Red Colorado Reclamation Committee Grant No. 1-986871-01-0

Type of Grant Superfund / CERCLA EIN 02062 1117 A1

Budget Period 10/01/02 - 9/30/05 Fiscal Year 02 DCN SGR018

Appr T BO 6ASOP

Remarks Restrictions 0

PE 50102D Site 06DLTG00

GC CG Line # 01 Cost Org C001 OC 4185

EFT Rec'd 11/26/02

| Date | Sched No. | Remarks | Obligation | Payment | Cumulative Paid | Unpaid Balance |
|---|---|---|---|---|---|---|
| 9/3/02 | | NEW | 50,000 | | | 50,000 |
| 11/26/02 | G0032P | #1 | Advance | 5,000 | 5,000 | 45,000 |
| | | | | -282.56 | | |
| 5/6/03 | | | | $4,712.44 | | |
| | | | | -1,591.39 | | |
| | | 8-4 backup invoices rec. | | $3,126.15 | balance of | Advance |
| 7/30/03 | | #2 | | 1,494 | 6,494 | 43,506 |
| 9/10/03 | | #3 | | 5,195 | 11,689 | 38,311 |
| 10/07/03 | | #4 | | 1952.18 | | 36,358.82 |
| 11/26/03 | | A&AP 5 | | 2,817.48 | 16,458.66 | 33,541.34 |
| 2/13/04 | | 6 | | 2,301.40 | 18,760.06 | 31,239.94 |
| 4/2/04 | | 7 | | 2,681.34 | 21,441.40 | 28,558.60 |
| 5/10/04 | | 8 | | 2396.61 | 23,838.01 | 26,161.99 |
| 7/15/04 | | 9 | | 3,049.87 | 26,887.88 | 23,112.12 |
| 10/27/04 | | 10 | | 1,749.65 | 28,637.53 | 21,362.47 |
| 11/19/04 | | 11 | | 2,215.09 | 30,852.62 | 19,147.38 |
| 12/14/04 | | 12 | | 580.00 | 31,432.62 | 18,567.38 |
| | TA | Administrator Contract | $ | 5,000 | | |
| | | TA 11 | $ | 43,000 | | |
| 2/23/05 | | 13 | | 1,539 | 32,971.62 | 17,028.38 |

ACCT NO.

* SL #75

TECHNICAL ASSISTANCE GRANT
ADMINISTRATIVE/CONTRACTUAL EXPENDITURES

Grantee RCRC
Grant Number: F98687101
Amount of Grant: 50,000

Superfund Site: Molycorp
Date of Award 8/29/02
Budget/Project Period: 10/29/02 - 8/30/05

| Date of ~~Payment~~ Invoices | Patrick Nicholson - $ | | Contract 5,000. | Cum. Paid | Balance of ~~TAG $$~~ Contract |
|---|---|---|---|---|---|
| 7/1/03 | | | 550. ✓ | | 5,000.00 4,450 |
| 4/29/03 | | | 295. ✓ | | 4155 |
| 10/6/03 | | | 590. ✓ | | 3565 |
| 1/22/04 | | | 220. ✓ | | 3345 |
| 7/6/04 | | | 570. ✓ | | 2,775. |
| 12/15/04 | | | 580. ✓ | | 2,195 |
| 8/3/05 | | | 1,186. | 3,991 | 1,009 |
| 11/21/05 | | | 580 | 4,571. | 429. |
| 1/21/06 | | | 860 | 54,31 | -431. over |
| | | | | | need revised budget. 1/31/06 |
| | | | | | |
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checked 10/17/05 zfm

TECHNICAL ASSISTANCE GRANT
ADMINISTRATIVE/CONTRACTUAL EXPENDITURES

Grantee RCRC
Grant Number: 1-98687101
Amount of Grant: 50,000
Kleo - 43,000

Superfund Site: Molycorp
Date of Award 8/29/02
Budget/Project Period:

| Date | | | | Paid - cumulative | Balance |
|---|---|---|---|---|---|
| 4/7/03 | 750.00 | | | | |
| 6/30/03 | 2,228.14 | | | | |
| 9/2/03 | 4,007.00 | | | | |
| 10/13/03 | 2,135.80 | | | | |
| 1/23/04 | 1,581.40 | | | | |
| 3/10/04 | 1,509.03 | | | | |
| 3/11/04 | 1,172.31 | | | | |
| 5/3/04 | 1,149.40 | | | | |
| 4/8/04 | 923.00 | | | | |
| 7/12/04 | 1,400.49 | | | | |
| 7/12/04 | 1,079.38 | | | | |
| 10/7/04 | 1,749.65 | | | | |
| 11/15/04 | 1,981.02 | | | | |
| 2/7/05 | 1,539.00 | | | | |
| 5/23/05 | 2,505.50 | | | 25,711.12 | 17,288.88 |
| 1/31/06 | 2,000.00 | | | 27,711.12 | 15,288.88 |
| | | | | | |
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checked 10/17/05 zhh

TECHNICAL ASSISTANCE GRANT
ADMINISTRATIVE/CONTRACTUAL EXPENDITURES

Grantee RCRC
Grant Number: 1-98687101-0
Amount of Grant: 50,000
Budget/Project Period:

Superfund Site: Molycorp
Date of Award 8/29/02

Blodgett

| Date | | | | Cumulative | Balance |
|---|---|---|---|---|---|
| 3/31/03 | 250.00 | | | | |
| 4/30/03 | 600.00 | | | | |
| 5/31/03 | 788.00 | | | | |
| 5/31/03 | 350.00 | | | | |
| 9/30/03 | 715.60 | | | | |
| 8/31/03 | 888.00 | | | | |
| 5/31/03 | 300.00 | | | | |
| 10/31/03 | 681.68 | | | | |
| 12/31/03 | 350.00 | | | | |
| 11/30/03 | 150.00 | | | 5,073.28 | |
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checked 10/13/05 zjh

Page 1

TECHNICAL ASSISTANCE GRANT
ADMINISTRATIVE/CONTRACTUAL EXPENDITURES

Grantee Rio Colo. R.C. Superfund Site: Molycorp
Grant Number: 1-98687101 Date of Award 8/29/02
Amount of Grant: 50,000. Budget/Project Period:
Contract - 43,000

| Date of Payment/Invoices | Blodgett 43,000.00 | Kleo | | | Balance of TAG $$ |
|---|---|---|---|---|---|
| 6/24/03 | 600.00 | | | | |
| 5/31/03 | 788.00 | | | | |
| 5/31/03 | 350.00 | | | | |
| 6/30/03 | | 2,228.14 | | | |
| 4/7/03 | | 750.00 | | | |
| 3/31/03 | 250. | | | | |
| 8/31/03 | 888. | | | | |
| 5/31/03 | 300. | | | | |
| 9/2/03 | | 4,007. | | | |
| 9/30/03 | 715.60 | | | | |
| 10/31/03 | 681.68 | | | | |
| 10/13/03 | | 2,135.80 | | | |
| 12/31/03 | 350. | | | | |
| 11/30/03 | 150. | | | | |
| 1/23/04 | 5,073.28 | 1,581.40 | | | |
| 3/10/04 | | 1,529.03 | | | |
| 3/11/04 | | 1,172.31 | | | |
| 4/8/04 | | 925.00 | | | |
| 5/3/04 | | 1,149.40 | | | |

Contracts - Continued Page 2

Grantee: RCRC - molycorp

| Date of Payment | $43,000.00 Blodgett Kfee | | | Balance of ~~TAG $$~~ Contract |
|---|---|---|---|---|
| ~~4/8/~~ | Carried over from page 1 | | | |
| 7/12/04 | 10,079.38 | | | |
| 7/12/04 | 1,400.49 | | TA Contracts | |
| 11/09/04 | 5073.28 | 17,935.95 | ~~Bal~~ Spent | 23,009.23 |
| | | | | ~~19,990.77~~ due to over |
| | | | unexpended | $19,794.77 exd. of supp by $196 |
| 10/7/04 | | 1749.65 | | |
| 11/15/04 | | 1981.02 | | |
| | | 14,205.28 | | 14,205.28 |
| 2/23/05 | | 1539.00 | | 12,666.28 |
| 8/31/05 | | 2,505.50 | | 10,160.78 |
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11/9/04
Overage of Supply budget of $195.74 has been substracted from contract budget.

5,000 Advance 11/27/02 (See ltr in File)

Page 1

Grantee: RCRC - Molycorp

| Date of Payment | | | | | Balance of TAG $$ |
|---|---|---|---|---|---|
| | | Supplies | | | |
| 8/29/02 | Award - | 1,400.00 ✓ | | | Supplies 1408.00 |
| 10/7/03 10/14/02 | supplies Ad | | 42.81 ✓ 88.21 ✓ | | 1311.79 |
| 11/12/02 | Ad | | 94.35 ✓ | | 1217.44 |
| 11/15/02 | Open bank account | | 100.00 ✓ | | 1117.44 |
| 2/18/03 | U.S. Postal | | 44.40 ✓ | | |
| 1/28/03 | Sprint - | phone | 23.10 ✓ | | |
| 11/29/02 | Fax Modem | | 59.00 ✓ | | |
| 11/01/02 | Ad | | 159.99 ✓ | | |
| 10/22/02 | U.S. Postal | | 7.40 ✓ | | |
| 10/23/02 | U.S. Postal | | 7.40 ✓ | | |
| 6/9/03 | Walmart | | 67.85 ✓ | | |
| 9/24/03 | Artesanos | Cultural Ctr | 25.00 ✓ | | |
| 9/16/03 | Postage | | 277.50 ✓ | | |
| 9/16/03 | Graphics | | 192.60 ✓ | | |
| 9/16/03 | Cartridge | | 31.82 ✓ | | |
| 9/15/03 | misc. supplies | | 40.10 ✓ | | |
| 8/14/03 | Filing Fee - Karen Douglas | | 10.00 ✓ | | |
| 10/7/03 | Staples | | 42.81 | | |
| 4/16/04 | Bulk Mail | | 151.54 ✓ | | |

~~1423.07~~ 1,465.88

10/22/04 Postage 138.61 ✓
10/15/04 " 24.00 ✓

11/9/04. No money left for supplies. Only paid ~~$195.74~~. $358.35

Grantee: RCRC - Molycorp

Page 2

| Date of Payment | Supplies - Continued | | | | Balance of ~~TAG $$~~ Supplies |
|---|---|---|---|---|---|
| 4/14/04 | Stapler | 147.67 | | | |
| 4/22/04 | Ctr Artwork | 25.00 | | | |
| | | 1595.74 | | | |
| | | - 1400.00 allowable | | | |
| | | $ 195.74 over * | | | |
| | | | | | |
| | | | | | |
| 10/19/05 - Admin./supplies re checked. | | | | | |
| | Total spent | $1,801.16 | | | |
| | | - 1,400.00 allowable | | | |
| | | $ 401.16 | | | |
| | | | | | |
| 10/9/05 | Additional supplies are paid for/claimed by Patrick Nicholson, and paid out of his TAG Administrator contract | | | | |
| | | | gph | | |
| | | | | | |
| | | | | | |
| | | | | | |

11/9/04 * In reviewing reimbursements it was noted that the advance of $5,000 could not be used for supplies because only $1,400 allocated. Supply budget is $195.74 over.

See TA Contract page 2. gph

# Document Review

**IFMS Document: GO 198687101**

**02/16/06**

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Vendor Code:** 020621117A1
**GICS Grant No:** 986871010
**GICS Budget Start Date:** 10/01/2002
**GICS Budget End Date:** 09/30/2005
**GICS Project Start Date:** 10/01/2002
**GICS Project End Date:** 09/30/2005
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:** 02/14/06
**End Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $46,769.01
**Paid Amount:** $46,769.01
**Available Amount:** $0.00
**Vendor:** RIO COLORADO RECLAMATION COMM.
AIMS FSR Status: 02/15/2006-Final FSR received and processed; grant is financially closed

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $46,769.01 | $46,769.01 | $0.00 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 02/14/06 | -$3,230.99 | Decrease | | | | | | |
| 02/10/06 | $2,905.00 | GP 06AS0149565 | Forward | | | | | |
| 11/22/05 | $6,524.89 | GP 06AS0134989 | Forward | | | | | |
| 09/01/05 | $3,727.50 | GP 05AS0119958 | Forward | | | | | |
| 05/05/05 | $640.00 | GP 05AS0097316 | Forward | | | | | |
| 02/23/05 | $1,539.00 | GP 05AS0084244 | Forward | | | | | |
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

Warehouse Homepage
EPA@Work Home | EPA Internet | Comments
http://iasint.rtpnc.epa.gov/neis/grant_web.grant_result
This web page was last updated on 09/02/2004.
This data was last updated on 02/16/2006 08:07
This page coordinated by: Virginia Reagan

**FACSIMILE TRANSMITTAL**

**U.S. EPA REGION 6**
**SUPERFUND DIVISION**
**1445 ROSS AVENUE**
**DALLAS, TEXAS 75202-2733**

1/31/06 resent 3:45 pm On line 3:50 pm

| | |
|---|---|
| **TO:** Anedia Feaster, Las Vegas Financial Center | |
| **MACHINE NUMBER:** 702-798-2423 | **VERIFICATION NUMBER:** (702)798-2411 |
| **FROM:** Beverly Negri, TAG Project Officer | |
| **PHONE:** 214-665-8157 | **MAIL CODE:** 6SF-PO |
| **OFFICE:** US EPA, Region 6, Dallas, TX | |
| **DATE:** 1/31/06 | **PAGES, INCLUDING COVER SHEET:** 3 |
| **PLEASE NUMBER ALL PAGES** | |
| **INFORMATION FOR SENDING FACSIMILE MESSAGES** | |
| **OUR EQUIPMENT** | **FACSIMILE NUMBER** |
| **PANAFAX UF-766** | **(214) 665-6660** |

Reimbursement Request for: Rio Colo. Reclamation Committee (RCRC)

Grant No. 1-98687101-0

- Attached is pay request for $2,860.00 final costs.
- Also attached is Fed. Cash Trans. Report which should have come to you directly.
- We also received their Final Status Report. It is incorrect, I am faxing corrections needed

Copies to:

so they can expedite return of corrected document. Then I'll send it to you.

Thanks.

Zana Halliday for
Beverly Negri
214-665-8363

# FEDERAL CASH TRANSACTIONS REPORT

*(See instructions on the back. If report is for more than one grant or assistance agreement, attach completed Standard Form 272A.)*

OMB APPROVAL NO. 0348-0003

1. Federal sponsoring agency and organizational element to which this report is submitted

RECEIVED
EPA REGION VI
06 JAN 21 AM 3:11
PROGRAMS MGMT BRANCH

2. RECIPIENT ORGANIZATION

Name: Rio Colorado Reclamation Committee

Number and Street: P.O. Box 637

City, State and ZIP Code: Questa, NM 87556

4. Federal grant or other identification number

5. Recipient's account number or identifying number

6. Letter of credit number: ACH# 6663

7. Last payment voucher number

*Give total number for this period*

8. Payment Vouchers credited to your account

9. Treasury checks received *(whether or not deposited)*

3. FEDERAL EMPLOYER IDENTIFICATION NO.

10. PERIOD COVERED BY THIS REPORT

FROM *(month, day, year)*: 7/1/05

TO *(month, day, year)*: 9/30/05

| 11. STATUS OF FEDERAL CASH *(See specific instructions on the back)* | |
|---|---|
| a. Cash on hand beginning of reporting period | $ Ø |
| b. Letter of credit withdrawls | 13,112.39 |
| c. Treasury check payments | Ø |
| d. Total receipts *(Sum of lines b and c)* | 13,112.39 |
| e. Total cash available *(Sum of lines a and d)* | 13,112.39 |
| f. Gross disbursements | 13,112.39 |
| g. Federal share of program income | Ø |
| h. Net disbursements *(Line f minus line g)* | Ø |
| i. Adjustments of prior periods | Ø |
| j. Cash on hand end of period | $ Ø |

12. THE AMOUNT SHOWN ON LINE 11j, ABOVE, REPRESENTS CASH REQUIREMENTS FOR THE ENSUING _____ Days

13. OTHER INFORMATION

| | |
|---|---|
| a. Interest income | $ Ø |
| b. Advances to subgrantees or subcontractors | $ Ø |

14. REMARKS *(Attach additional sheets of plain paper, if more space is required)*

15. CERTIFICATION

I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant or agreement.

AUTHORIZED CERTIFYING OFFICIAL

SIGNATURE: Rachel Conn

DATE REPORT SUBMITTED: 12/21/05

TYPED OR PRINTED NAME AND TITLE: Rachel Conn, Program Director

TELEPHONE *(Area Code, Number, Extension)*: 505.770.8327

THIS SPACE FOR AGENCY USE

NSN 7540-01-016-6434
272-103

STANDARD FORM 272 (Rev. 7-87)
Prescribed by OMB Circulars A-102 and A-110

# Document Review

**IFMS Document: GO 198687101**

**01/31/06**

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Vendor Code:** 020621117A1
**GICS Grant No:** 986871010
**GICS Budget Start Date:** 10/01/2002
**GICS Budget End Date:** 09/30/2005
**GICS Project Start Date:** 10/01/2002
**GICS Project End Date:** 09/30/2005
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**End Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $43,864.01
**Available Amount:** $6,135.99
**Vendor:** RIO COLORADO RECLAMATION COMM.
**FSR Status:** 01/04/2006-Second letter requesting final FSR sent by LVFC (FSR is overdue)

6,135.99 available
− 2,860.00 pay request, 01/31/06
$ 3,275.99 unobligated EPA funds remaining

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $43,864.01 | $6,135.99 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 11/22/05 | $6,524.89 | GP 06AS0134989 | Forward | | | | | |
| 09/01/05 | $3,727.50 | GP 05AS0119958 | Forward | | | | | |
| 05/05/05 | $640.00 | GP 05AS0097316 | Forward | | | | | |
| 02/23/05 | $1,539.00 | GP 05AS0084244 | Forward | | | | | |
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |



http://iasint.rtpnc.epa.gov/neis/grant_web.grant_result
This web page was last updated on 09/02/2004.
This data was last updated on 11/23/2005 08:02
This page coordinated by: Robert Shields

## INSTRUCTIONS

Public reporting burden for this collection of information is estimated to average 120 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0003), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

Please type or print legibly. Items 1, 2, 8, 9, 10, 11d, 11e, 11h, and 15 are self explanatory, specific instructions for other items are as follows:

| Item | Entry |
|---|---|
| 3 | Enter Employer Identification Number (EIN) assigned by the U.S. Internal Revenue Service or the FICE (institution) code. |
| 4 | If this report covers more than one grant or other agreement, leave items 4 and 5 blank and provide the information on Standard Form 272A, Report of Federal Cash Transactions - Continued.<br><br>Enter Federal grant number, agreement number, or other identifying numbers if requested by sponsoring agency. |
| 5 | This space reserved for an account number or other identifying number that may be assigned by the recipient. |
| 6 | Enter the letter of credit number that applies to this report. If all advances were made by Treasury check, enter "NA" for not applicable and leave items 7 and 8 blank. |
| 7 | Enter the voucher number of the last letter-of-credit payment voucher (Form TUS 5401) that was credited to your account. |
| 11a | Enter the total amount of Federal cash on hand at the beginning of the reporting period including all of the Federal funds on deposit, imprest funds, and undeposited Treasury checks. |
| 11b | Enter total amount of Federal funds received through payment vouchers (Form TUS 5401) that were credited to your account during the reporting period. |
| 11c | Enter the total amount of all Federal funds received during the reporting period through Treasury checks, whether or not deposited. |
| 11f | Enter the total Federal cash disbursements, made during the reporting period, including cash received as program income. Disbursements as used here also include the amount of advances and payments less refunds to subgrantees or contractors, the gross amount of direct salaries and wages, including the employee's share of benefits if treated as a direct cost, interdepartmental charges for supplies and services, and the amount to which the recipient is entitled for indirect costs. |
| 11g | Enter the Federal share of program income that was required to be used on the project or program by the terms of the grant or agreement. |
| 11i | Enter the amount of all adjustments pertaining to prior periods affecting the ending balance that have not been included in any lines above. Identify each grant or agreement for which adjustment was made, and enter an explanation for each adjustment under "Remarks." Use plain sheets of paper if additional space is required. |
| 11j | Enter the total amount of Federal cash on hand at the end of the reporting period. This amount should include all funds on deposit, imprest funds, and undeposited funds (line e, less line h, plus or minus line i). |
| 12 | Enter the estimated number of days until the cash on hand, shown on line 11j, will be expended. If more than three days cash requirements are on hand, provide an explanation under "Remarks" as to why the drawdown was made prematurely, or other reasons for the excess cash. The requirement for the explanation does not apply to prescheduled or automatic advances. |
| 13a | Enter the amount of interest earned on advances of Federal funds but not remitted to the Federal agency. If this includes any amount earned and not remitted to the Federal sponsoring agency for over 60 days, explain under "Remarks." Do not report interest earned on advances to States. |
| 13b | Enter the amount of advance to secondary recipients included in item 11h. |
| 14 | In addition to providing explanations as required above, give additional explanation deemed necessary by the recipient and for information required by the Federal sponsoring agency in compliance with governing legislation. Use plain sheets of paper if additional space is required. |

# Document Review

**IFMS Document: GO 198687101**

**01/31/06**

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Vendor Code:** 020621117A1
**GICS Grant No:** 986871010
**GICS Budget Start Date:** 10/01/2002
**GICS Budget End Date:** 09/30/2005
**GICS Project Start Date:** 10/01/2002
**GICS Project End Date:** 09/30/2005
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**End Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $43,864.01
**Available Amount:** $6,135.99
**Vendor:** RIO COLORADO RECLAMATION COMM.
**FSR Status:** 01/04/2006-Second letter requesting final FSR sent by LVFC (FSR is overdue)

6,135.99 available
− 2,860.00 pay request, 01/31/06
$ 3,275.99 unobligated EPA funds remaining

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $43,864.01 | $6,135.99 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 11/22/05 | $6,524.89 | GP 06AS0134989 | Forward | | | | | |
| 09/01/05 | $3,727.50 | GP 05AS0119958 | Forward | | | | | |
| 05/05/05 | $640.00 | GP 05AS0097316 | Forward | | | | | |
| 02/23/05 | $1,539.00 | GP 05AS0084244 | Forward | | | | | |
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

Warehouse Homepage
EPA@Work Home | EPA Internet | Search | Comments

http://iasint.rtpnc.epa.gov/neis/grant_web.grant_result
This web page was last updated on 09/02/2004.
This data was last updated on 11/23/2005 08:02
This page coordinated by: Robert Shields

**FACSIMILE TRANSMITTAL**

**U.S. EPA REGION 6**
**SUPERFUND DIVISION**
**1445 ROSS AVENUE**
**DALLAS, TEXAS 75202-2733**

| | |
|---|---|
| **TO:** Anedia Feaster, Las Vegas Financial Center | |
| **MACHINE NUMBER:** 702-798-2423 | **VERIFICATION NUMBER:** (702)798-2411 |
| **FROM:** Beverly Negri, TAG Project Officer | |
| **PHONE:** 214-665-8157 | **MAIL CODE:** 6SF-PO |
| **OFFICE:** US EPA, Region 6, Dallas, TX | |
| **DATE:** 11/21/05 | **PAGES, INCLUDING COVER SHEET:** 2 |
| **PLEASE NUMBER ALL PAGES** | |
| **INFORMATION FOR SENDING FACSIMILE MESSAGES** | |
| **OUR EQUIPMENT** | **FACSIMILE NUMBER** |
| PANAFAX UF-766 | (214) 665-6660 |

Reimbursement Request for: $6,524.89

Grant No. 1-98687101- Rio Colo. Reclamation Committee

Copies to:

On line 6:55am, 11/21/05

Rec'd in CPA
11/17/05 3:24pm

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505. 751. 3063

Fax#: 505. 852. 2950

ACH # 6663 (if applicable)

Request # ~~15~~ 16

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| | N/A | | | |
| 1-98687101-0 | 06DL600 | 6,524.89 | | |
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TOTAL AMOUNT REQUESTED $ 6,524.89

11/21/05 approved for payment
Beverly Negi

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: [signature]
Recipient Approving Official's Signature

11/3/05
Date Approved

EPA Certifying Officer Approval

Date Approved

$
EPA APPROVED AMOUNT
For EPA Use Only

JUL 25 '03 08:11AM EPA LVFMC P.2

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

September 28, 2005

Rio Colorado Reclamation Committee
Patrick Nicholson
Rachel Conn
POBox 637
Taos, NM 87556

INVOICE FOR SERVICES RENDERED, SEPTEMBER, 2005

September 8th—Drove to Taos to attend RCRC meeting RE: Molycorp Subsidence closure/closure criteria at Amigo Bravos office....6 hrs @ 50.....$300.00

September 8th—Lodging, Santa Fe, to attend MMD & ED meetings on 9th..... $67.44

September 9th---attended meeting at MMD offices (Santa Fe) RE: Subsidence issues related to ground and surface water quality at Molycorp mine site, design limit changes due to projected subsidence, 3 hours @ 50..... $150.00

September 9th---attended meeting at ED offices (Santa Fe) to review permit(s) status at Moycorp site, discuss superfund issues regarding tailings facility water quality, non-compliance with groundwater standards and action plan implementation to date. 2 hours @ 50..... $100.00

September 9th—mileage, Cotopaxi/ Santa Fe, 578 miles @ .365..... $210.97
September 10th,11th,---reviewed Agapito Subsidence Report, Groundwater and surface Water Investigations, 12 hours @ 50..... $600.00

September 12th—write up comments regarding subsidence investigations reports for submittal to agencies and RCRC, 4 hours @ 50..... $200.00

September 14th—drove to Questa to attend Questa Community Coalition Meeting at LaCienga, Met with RCRC board members after meeting to report on discussions. 8 hours @ 50.....$400.00

September 14th---lodging, Ft. Garland, returned to Cotopaxi on 15th.....$63.45

September 14th, mileage Cotopaxi/Questa, 350 miles @ .365..... .$127.75

Total this invoice.....$2219.61

Please Remit To: Azurite, Inc., P.O. Box 338, Cotopaxi, CO 81223 Thank You!

287

ED BY
ANK'S
THANK YOU

FT GARLAND MOTOR INN
411 HWY 160
FORT GARLAND CO 81133

TERM: 0001
S-A-L-E S O-R-A-F-I

# 00003 BCH# 162
TYPE: VI
TYPE: PR
UNT: $63.45

EXP: ****
DESCRIPT
INFO: 107

CARDHOLDER ACKNOWLEDGES RECEIPT OF GOODS OR SERVICES IN THE AMOUNT OF TOTAL SHOWN HEREON AND AGREES TO PERFORM THE OBLIGATIONS SET FORTH BY THE CARDHOLDER'S AGREEMENT WITH THE ISSUER
THANK YOU FOR USING VISA

MERCHANT BOTTOM COPY-CUSTOMER

# BEST WESTERN LAMPLIGHTER INN



2405 CERRILLOS RD
SANTA FE, NM 87505
1-800-767-5267
MAIL@BWLAMPLIGHTER.COM

**Kenneth S Klco**
**10001 Country Rd 12**
**Cotopaxi, CO 81223**

| Room | Folio | CheckIn | CheckOut | Balance |
|---|---|---|---|---|
| 405 | 78394 | 09/08/2005 | 09/09/2005 | 0.00 |
| Master Folio | | Weekday: 59.00 Weekend: 59.00 | | |

| Date | Room | Description / Voucher | Charges | Credits | Balance |
|---|---|---|---|---|---|
| 09/08/2005 | 405 | Room Taxable | 59.00 | | 59.00 |
| 09/08/2005 | 405 | Sales + Bed Tax - 14.313% | 8.44 | | 67.44 |
| 09/09/2005 | 405 | Visa/Mastercard - PD | | 67.44 | 0.00 |
| | | **Summary and Taxes** | | | |
| | | Balance Due | | | 0.00 |
| | | no plate # required | | | 59.00 |
| | | Sales + Bed Tax 14.31% | | | 8.44 |

2 208 KG Gary

# BEST WESTERN LAMPLIGHTER INN



2405 CERRILLOS RD
SANTA FE, NM 87505
1-800-767-5267
MAIL@BWLAMPLIGHTER.COM

**Kenneth S Klco**
**100 Cr 12**
**Howard, CO 81233**

| Room | Folio | CheckIn | CheckOut | Balance |
|---|---|---|---|---|
| 401 | 77394 | 08/09/2005 | 08/12/2005 | 0.00 |
| Master Folio | | Weekday: 84.15 Weekend: 84.15 | | |

| Date | Room | Description / Voucher | Charges | Credits | Balance |
|---|---|---|---|---|---|
| 08/09/2005 | 401 | Room Taxable | 84.15 | | 84.15 |
| 08/09/2005 | 401 | Sales + Bed Tax - 14.313% | 12.04 | | 96.19 |
| 08/10/2005 | 401 | Room Taxable | 84.15 | | 180.34 |
| 08/10/2005 | 401 | Sales + Bed Tax - 14.313% | 12.04 | | 192.38 |
| 08/11/2005 | 401 | Room Taxable | 84.15 | | 276.53 |
| 08/11/2005 | 401 | Sales + Bed Tax - 14.313% | 12.04 | | 288.57 |
| 08/12/2005 | 401 | Visa/Mastercard - PD | | 288.57 | 0.00 |
| | | **Summary and Taxes** | | | |
| | | Balance Due | | | 0.00 |
| | | no plate # required | | | 252.45 |
| | | Sales + Bed Tax 14.31% | | | 36.12 |

288.57
August 9, 2005 - 96.19
192.38

USGS TRIP (LODGING)

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

September 24, 2005

Rio Colorado Reclamation Committee
Patrick Nicholson
Rachel Conn
POBox
Taos, NM

INVOICE FOR SERVICES RENDERED, JULY, AUGUST, 2005

| | |
|---|---|
| July 5th---office hours, work on contract document as requested by RCRC, 6 hours @ 50..... | $300.00 |
| July 26th---office hours, review Remedial Investigation Documents, 4 hours @ 50.. | $200.00 |
| August 11th---drove to Santa Fe to attend USGS studies update, 8 hours @ 50..... | $400.00 |
| August 12th---attend USGS meeting, 8 hours @ 50..... | $400.00 |
| August 10th, 11th, lodging for USGS meetings, Best Western, Santa Fe..... | $192.38 |
| Mileage, Cotopaxi/Santa Fe Round Trip, 548 miles @ .365..... | $200.02 |
| August 17th---attended Subsidence Issues meeting at Molycorp site, 12 hrs @ 50.... | $600.00 |
| August 17th---mileage Cotopaxi/Questa rt 355 miles @ .365..... | $129.58 |
| August 26rd---office hours, write up reports on Subsidence, USGS meeting notes, Remedial Investigation progress notes COPC memorandum, 8 hrs @ 50..... | $400.00 |

| | |
|---|---|
| August 29th---office hours, review Subsidence documents, 8 hours @ 50..... | $400.00 |
| August 30th---attend RCRC Board Meeting, Taos, 7 hours @ 50..... | $350.00 |
| August 30th---mileage Cotopaxi/Taos rt 420 miles @ .365..... | $153.30 |
| Total This Invoice..... | $3725.28 |

Please Remit To:

Azurite, Inc.
P.O. Box 338
Cotopaxi, CO 81223

Thank You!

# Invoice for Services

October 15, 2005

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
August 1, 2005 thru September 30, 2005.

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 8/5/05 | Reimbursement request; SF272 filing; document review. | 2.0 | $20 | $40 |
| 8/8/05 | Quarterly Report preparation | 2.0 | $20 | $40 |
| 8/12/05 | Quarterly Report preparation | 2.5 | $20 | $50 |
| 8/13/05 | Budget revisions, administrative tasks | 2.0 | $20 | $40 |
| 8/30/05 | Grant renewal, reimbursement request Board Mtg. | 4.0 | $20 | $80 |
| 8/31/05 | Grant renewal, reimbursement request | 2.5 | $20 | $50 |
| 9/11/05 | Grant renewal discussions/coordination | 2.0 | $20 | $40 |
| 9/14/05 | Grant renewal | 3.0 | $20 | $60 |
| 9/29/05 | Quarterly Report preparation and reimbursement request. | 6.0 | $20 | $120 |
| 9/30/05 | Document review, grant renewal preparation | 3.0 | $20 | $60 |
| Total | | 29 | $20 | $580 |

**Invoice Total** **$580**

Remit to:
Patrick Nicholson
266 Maria Elena Loop
Taos, NM 87571

# Document Review

**IFMS Document: GO 198687101**

**09/06/05**

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Vendor Code:** 020621117A1
**GICS Grant No:** 986871010
**GICS Budget Start Date:** 10/01/2002
**GICS Budget End Date:** 09/30/2005
**GICS Project Start Date:** 10/01/2002
**GICS Project End Date:** 09/30/2005
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**End Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $37,339.12
**Available Amount:** $12,660.88
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $37,339.12 | $12,660.88 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 09/01/05 | $3,727.50 | GP 05AS0119958 | Forward | | | | | |
| 05/05/05 | $640.00 | GP 05AS0097316 | Forward | | | | | |
| 02/23/05 | $1,539.00 | GP 05AS0084244 | Forward | | | | | |
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | |

Warehouse Homepage
EPA@Work Home | EPA Internet | Search | Comments

http://iasint.rtpnc.epa.gov/neis/grant_web.grant_result
This web page was last updated on 09/02/2004.
This data was last updated on 09/06/2005 05:00
This page coordinated by: Robert Shields

**FACSIMILE TRANSMITTAL**

**U.S. EPA REGION 6**
**SUPERFUND DIVISION**
**1445 ROSS AVENUE**
**DALLAS, TEXAS 75202-2733**

| | |
|---|---|
| **TO:** Anedia Feaster, Las Vegas Financial Center | |
| **MACHINE NUMBER:** 702-798-2423 | **VERIFICATION NUMBER:** (702)798-2411 |
| **FROM:** Beverly Negri, TAG Project Officer | |
| **PHONE:** 214-665-8157 | **MAIL CODE:** 6SF-PO |
| **OFFICE:** US EPA, Region 6, Dallas, TX | |
| **DATE:** 8/31/05 | **PAGES, INCLUDING COVER SHEET:** 2 |
| **PLEASE NUMBER ALL PAGES** | |
| INFORMATION FOR SENDING FACSIMILE MESSAGES | |
| OUR EQUIPMENT | FACSIMILE NUMBER |
| PANAFAX UF-766 | (214) 665-6660 |

Reimbursement Request for: Rio Colorado Reclamation Comm.

Grant No. 1-98687101 $ 3,727.50

Copies to:

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505 751 3063

Fax#: 505 852 4013

ACH # 6663 (if applicable)

Request # 14

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | N/A | | | |
| 4 | 06DL600 | $3,727.50 | | |
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| | TOTAL AMOUNT REQUESTED $ | 3,727.50 | | |

approved for payment B. Negri 8-31-05

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Lom — Recipient Approving Official's Signature — Date Approved 8/30/05

EPA Certifying Officer Approval — Date Approved — $ EPA APPROVED AMOUNT For EPA Use Only

# Invoice for Services

August 3, 2005

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
May 1, 2005 thru July 31, 2005.

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 5/3/05 | Reimbursement request; SF272 filing; document review. | 2.5 | $20 | $50 |
| 5/9/05 | Grant renewal preparation/review Board Mtg. | 7 | $20 | $140 |
| 6/14/05 | emails and document review | 2 | $20 | $40 |
| 6/20/05 | Grant renewal and management Board Mtg. | 8 | $20 | $160 |
| 6/24/05 | Grant renewal preparation EPA grant discussion | 2 | $20 | $40 |
| 6/27/05 | Grant renewal discussions/coordination | 2 | $20 | $40 |
| 6/28/05 | EPA Community Mtg. Questa | 1.5 | $20 | $30 |
| 6/29/05 | Grant renewal discussions & mtg. | 1.5 | $20 | $30 |
| 7/10/05 | Review TA contract renewal & 2nd Quarter report documents | 2 | $20 | $40 |
| 7/11/05 | Administrative tasks related to grant renewal, contractors, and SOWs | 4 | $20 | $80 |
| 7/12/05 | Grant application preparation | 5 | $20 | $100 |
| 7/15/05 | Grant application preparation | 2.5 | $20 | $50 |
| 7/18/05 | Grant renewal budget preparation & email correspondence | 5 | $20 | $100 |
| 7/25/05 | Grant application revision | 3 | $20 | $60 |
| 7/28/05 | Grant application revision & Quarterly review preparation | 5 | $20 | $100 |
| Total | | 53 | $20 | $1,060 |

Reimbursable expense - office supplies $ 126

**Invoice Total** **$1,186**

Remit to:
Patrick Nicholson
266 Maria Elena Loop
Taos, NM 87571

MC S
505-751-3554
105 CAMINO PLACITA
YOUR OFFICE SUPPLY
AND EQUIPMENT STORE

07-19-2005 MC #:0000

TIME
13:05:09

| | |
|---|---|
| SUPPLIES | *3.60T1 |
| CARTRIDGES | *39.99T1 |
| CARTRIDGES | *40.99T1 |
| SUPPLIES | *15.95T1 |
| SUPPLIES | *5.90T1 |
| | 2x |
| | 5.39@ |
| SUPPLIES | *10.78T1 |
| SUBTTL | *117.21 |
| | *8.79T1 |
| **TOTAL** | *126.00 |
| CHECK | *126.00 |

PM 1-24 0029
THANK YOU
HAVE A NICE DAY
PLEASE COME AGAIN

ALL SALES FINAL

Paid by Patrick Nicholson out of his contract
JH 10/19/05

410

**Always show your P.O. Box No. and ZIP Code in your return address**

Received Post Office Box/Caller Service Fees From: *(Name of Customer)* Zio Allendale Nelson

Amount $ 36.00 *(Dating Stamp)*

Information on your Form 1093, *Application for Post Office Box or Caller Service*, must be updated if it has changed. For regulations pertaining to P.O. boxes, see rules for use of Post Office Box and Caller Service on Form 1093.

Box Number(s) 637

☐ For one semiannual payment period
☒ For Annual payment period
☐ Reserved Number Fee
Ending *(Date)* 5-30-06

Postmaster By

**Thank You**

PS Form **1538**, August 1989 **Receipt for Post Office Box/Caller Service Fees**

**Original**

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

May 23, 2005

Rio Colorado Reclamation Committee
Patrick Nicholson
Rachel Conn
POBox
Taos, NM

INVOICE FOR SERVICES RENDERED, APRIL, MAY, JUNE, 2005

April, 2005---office hours reviewing Molycorp Remedial Investigation Preliminary Site Characterization Study documents....6 hours @ 50..... $300.00

April 11th---attended RCRC board meeting, Herrera residence, 3 hours @ 50..... $150.00

April 11th---mileage, Cotopaxi/Questa rt 350 miles @ .365..... $127.75

April 12th---attended MMD, Amigos Bravos, and NM Environmental Law Center, and Southwest Research and Information Center meeting at MMD offices to review permit Issues and superfund studies completion dates. 3 hours @ 50..... $150.00

April 18-22nd---reviewed Rockpile Studies information from Norwest, regarding potential impacts to groundwater issues, in preparation for FMA Session...6 hours @ 50..... $300.00

April 26,27,28th---participated in Front Rockpile Failure Mode Analysis Session at mine Site (representing AB) ..... nc

April 29th—attended a status meeting of subsidence issues studies presented by Norwest In addition to updates on the site's subsidence monitoring program.....3 hours @ 50.... $150.00

May 9th-28th---, 2005 hours throughout the month reviewing Preliminary Site Characterization Study documents received in April.....8 hours @ 50.....$400.00

June 7th-10th---review Preliminary Site Characterization Study data. 4 hours @ 50..... $200.00

June 17th---teleconference call with FMA team regarding review of Final Draft of FMA Document ..... 3 hours @ 50..... $150.00

June 18th-24th---offices hours reviewing "Draft Final Risk Assessment Memorandum: Selection of Chemicals of Potential Concern", and PSCS documents...5 hours @50..... $250.00

June 28th---attended EPA community open house session, Questa, 4 hours @ 50..... $200.00

June 28th---mileage, Cotopaxi/Questa rt 350 miles @ .365..... $127.75

Total this Invoice..... $2505.50

Please Remit To:

Azurite, Inc.
P.O. Box 338
Cotopaxi, CO 81223

Thank You!

# Document Review

**IFMS Document: GO 198687101**

**05/24/05**

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Vendor Code:** 020621117A1
**Budget Start Date:** 10/01/2002
**Budget End Date:** 09/30/2005
**Project Start Date:** 10/01/2002
**Project End Date:** 09/30/2005
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $33,611.62
**Available Amount:** $16,388.38
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $33,611.62 | $16,388.38 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| | Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|---|
| 1314 | 05/05/05 | $640.00 | GP 05AS0097316 | Forward | | | | | |
| ✓ | 02/23/05 | $1,539.00 | GP 05AS0084244 | Forward | | | | | |
| ✓ | 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| ✓ | 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| ✓ | 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| ✓ | 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| ✓ | 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| ✓ | 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| ✓ | 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| ✓ | 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| ✓ | 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| ✓ | 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| ✓ | 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| ✓ | 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| award | 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

✓ = hard copies of pay requests in EPA file.

Warehouse Homepage
EPA@Work Home | EPA Internet | Search | Comments

http://sturgeon.rtpnc.epa.gov/neis/grant_web.grant_result
This web page was last updated on 09/02/2004.
This data was last updated on 05/24/2005 10:04
This page coordinated by: Robert Shields

# Financial Data Warehouse Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $32,971.62
**Available Amount:** $17,028.38
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostOrg | Comments |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $32,971.62 | $17,028.38 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 | 026ASGR018 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | Ref Amount | Related Document |
|---|---|---|---|---|---|---|---|---|---|
| #13 - 02/23/05 | $1,539.00 | GP 05AS0084244 | Forward | | | | | | |
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | | |

Financial Data Warehouse Homepage
EPA@Work Home | EPA Internet | Search | Comments

http://oasint.rtpnc.epa.gov/pls/neis/grant_web.grant_result
This web page was last updated on 09/02/2004.
This data was last updated on 02/28/2005 10:05
This page coordinated by: Robert Shields

2/23/05 Ineligible Costs - see memo from Bev to RC RC

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee  Contact Person: Patrick Nicholson

Phone #: 505 751 3063  Fax#:

| ACH # 66663 (if applicable) | Request # 12 | Cash on Hand: $ 0 | | |
|---|---|---|---|---|
| **Assistance Agreement** | **Account No/Activity Code (Superfund Site Specific)** | **$ Amount** | **Mark (X) If Credit** | **For EPA Internal Use Only** |
| 1-98657101-0 | N/A | | | |
| | 06DL600 | $ 1,539 — | | |
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| | **TOTAL AMOUNT REQUESTED $** | 1,539 — | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: [signature] 2-21-05

Recipient Approving Official's Signature  Date Approved

EPA Certifying Officer Approval  Date Approved  $ EPA APPROVED AMOUNT For EPA Use Only

JUL 25 '03 08:11AM EPA/FMC P.2

**Patrick Nicholson**

**From:** "Ken Klco" <azurite@amigo.net>
**To:** "Patrick Nicholson" <elgaucho@laplaza.org>
**Cc:** <rachellconn@yahoo.com>
**Sent:** Wednesday, February 09, 2005 10:35 AM
**Subject:** tagnm020705inv

10-28-04
1-24-05

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

February 7, 2005

Rio Colorado Reclamation Committee
Patrick Nicolson
Rachel Conn
POBox
Taos, NM

INVOICE FOR SERVICES RENDERED, JANUARY, 2005

January 14th—travel to Red River to attend Stability Review Meeting and mine site tour Jan. 15th.
4 hours @ 50..... $200.00

January 14th—Lodging @ Red River..... $52.00
Meals..... $15.00

January 15th---attend Stability Review Board Meeting at Molycorp mine site, review subsidence issues in relation to rockpile stability and bedrock stability..... 8 hours @ 50..... $400.00

January 15th---mileage Cotopaxi/Red River rt 385 miles @ $0.365..... $135.00

January 20th—attended RCRC board meeting, Taos, NM, 6 hours @ 50..... $300.00
Mileage Cotopaxi/Taos rt 392 miles @ $0.365..... $137.00

January 25th—office hours, review e-mails from MMD re: Norwest subsidence and slope stability evaluation, design changes to Goat Hill North mitigation work, teleconference notes....
.....4 hours @ 50..... $200.00

January 31st---office hours, e-mail correspondence, review notes from past teleconference re: Failure Mode Analysis data development progress, 2 hours @ 50..... $100.00

Total this Invoice..... $1539.00

Please Remit To:

Azurite, Inc.
P.O. Box 338

2/15/2005

# Financial Data Warehouse Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $31,432.62
**Available Amount:** $18,567.38
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $31,432.62 | $18,567.38 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| | Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|---|
| #12 | 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| | 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| | 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| | 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| | 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| | 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| | 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| | 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| | 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| | 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| | 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| | 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| | 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

Financial Data Warehouse Homepage

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505. 758. 8626

Fax#: 505. 758. 8831

ACH # 6663 (if applicable)

Request # H 12 [illegible]

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| | T N/A | | | |
| 1-98687101-0 | 06DL600 | $ 580 — | | |
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TOTAL AMOUNT REQUESTED $ $ 580 —

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Gom
Recipient Approving Official's Signature

12/13/04
Date Approved

EPA Certifying Officer Approval

Date Approved

$
EPA APPROVED AMOUNT
For EPA Use Only

JUL 25 '03 08:11AM FROM LVFMC P.2

# Invoice for Services

December 15, 2004

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
July 1, 2004 to December 15, 2004

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 7/14/04 | Reimbursement request | 1 | $20 | $20 |
| 7/21/04 | Document review | 1.5 | $20 | $30 |
| 7/27/04 | Quarterly Report preparation | 0.5 | $20 | $10 |
| 8/13/04 | Prepared quarterly report | 4 | $20 | $80 |
| 8/18/04 | Administrative/Financial tracking | 1 | $20 | $20 |
| 10/22/04 | Preparation of expenditure sheet | 1.5 | $20 | $30 |
| 10/25/04 | Reimbursement request & Quarterly Report preparation | 1.5 | $20 | $30 |
| 10/27/04 | Grant management discussion & planning | 1 | $20 | $20 |
| 10/28/04 | Strategic planning retreat | 3 | $20 | $60 |
| 11/15/04 | Misc. administrative tasks | 1.5 | $20 | $30 |
| 11/18/04 | Completion of SF 272 Financial Report; MBE/WBE Annual Report; reimbursement request; Quarterly Report | 8 | $20 | $160 |
| 11/19/04 | ASAP conversion & enrollment | 2 | $20 | $40 |
| 12/7/04 | ASAP conversion correspondence | 0.5 | $20 | $10 |
| 12/8/04 | Email review; budget discussion & review | 1 | $20 | $20 |
| 12/10/04 | Document review | 1 | $20 | $20 |
| Total | | 29 | $20 | $580 |

**Invoice Total** **$580**

Remit to:

Patrick Nicholson
266 Maria Elena Loop
Taos, NM 87571

Financial Data Warehouse
Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $31,432.62
**Available Amount:** $18,567.38
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $31,432.62 | $18,567.38 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| #11 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04 | | | | | | |
| 04/02/04 | $2,681.34 | GP 04 | | | | | | |
| 02/13/04 | $2,301.40 | GP 04 | | | | | | |
| 11/26/03 | $2,817.48 | GP A | | | | | | |
| 10/07/03 | $1,952.18 | GP A | | | | | | |
| 09/10/03 | $5,195.00 | GP A | | | | | | |
| 07/30/03 | $1,494.00 | GP A | | | | | | |
| 11/27/02 | $5,000.00 | GP A | | | | | | |
| 09/03/02 | $50,000.00 | RQ 0 | | | | | | |

#11 $2,215.09
Azurite -1981.02
234.07*
* can't locate invoices totalling that amt.

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505. 751. 3063

Fax#: 505. 758. 8831

ACH # (if applicable) 6663

Request # 10 11th

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| | N/A | | | |
| 1-98687101-0 | | 2,215.09 | | |
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TOTAL AMOUNT REQUESTED $ 2,215.09

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: [signature]
Recipient Approving Official's Signature

11/18/04
Date Approved

EPA Certifying Officer Approval

Date Approved

$
EPA APPROVED AMOUNT
For EPA Use Only

JUL 25 '03 08:11AM EPA VFMC

P.2

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

November 15, 2004

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, OCTOBER, 2004

October 11th—office hours, write up response to ATSDR report for TAG review and additions, 6 hours @ 50..... $300.00

October 12th—office hours, complete response document to ATSDR report, 2 hours @ 50 ..... $100.00

October 20th—field hours, travel to Questa Molycorp mine site to attend 1st Failure Mechanism Evaluation Analysis meeting, daily maximum rate of 8 hours @ 50..... $400.00

October 20th---lodging, Red River..... $59.49
Meals not provided by Molycorp Oct 20th and 21st..... $35.00

October 21st---field hours, completion of FMEA meeting and return, 8 hours @ 50 ..... $400.00

October 21st--- mileage, 380 miles RT Cotopaxi/Questa @ $0.365..... $138.70

October 28th---drove to Taos, NM, Douglas residence, to attend Questa TAG strategic planning meeting, eight hours @ 50..... $400.00

October 28th---mileage, 405 miles RT Cotopaxi/Taos..... $147.83

Total this invoice..... $1981.02

Please Remit To: Azurite, Inc., PO Box 338, Cotopaxi, CO 81223 Thank You!

# Financial Data Warehouse
## Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $28,637.53
**Available Amount:** $21,362.47
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $28,637.53 | $21,362.47 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505. 758. 8626 Ext. 116

Fax#: 505. 758.8831

ACH # 6663 (if applicable)

Request # 9-10 after

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| | N/A | | | |
| 1-98687101-0 | | $1,749.65 | | |
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TOTAL AMOUNT REQUESTED $ $1,749.65

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: [signature]
Recipient Approving Official's Signature

10.25.04
Date Approved

EPA Certifying Officer Approval

Date Approved

$
EPA APPROVED AMOUNT
For EPA Use Only

**Patrick Nicholson**

**From:** Ken Klco [azurite@amigo.net]
**Sent:** Thursday, October 07, 2004 4:03 PM
**To:** Patrick Nicholson
**Cc:** rachellconn@yahoo.com
**Subject:** tagnm10704

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

October 7, 2004

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, SEPTEMBER, 2004

Sept. 16th—office hours, review ATSDR Public Health Assessment document, 4 hours @50..... $200.00

Sept. 21st—drove to Questa mine site to attend Technical Working Group meeting addressing Tailings Facility modifications proposal, 6 hours @ 50, drove to Taos to attend RCRC board meeting, 3 hours @ 50, maximum daily rate charge..... $400.00
Mileage, 410 miles @ $0.365..... $149.65

Sept. 22nd, drove to Questa from Alamosa to attend community meeting regarding ATSDR Public Health Assessment document for public response and input prior to finalization of Public Health Assessment process, 8 hours @ 50..... $400.00

Sept. 29th—office hours, review Molycorp Tailings facility closure/close out modification proposal, 4 hours @ 50..... $200.00

Sept. 30th---office hours, review and write up response to Tailings facility modification proposal, Work on questions/answers for RCRC bulletin, 8 hours @ 50..... $400.00

Total this Invoice..... $1749.65

Please Remit To: Azurite, Inc., PO Box 338, Cotopaxi, CO 81223 Thank You!

Financial Data Warehouse
Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $26,887.88
**Available Amount:** $23,112.12
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | J |
|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $26,887.88 | $23,112.12 | 2002 | T | 6AS0P | 50102D | 0 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Rel |
|---|---|---|---|---|---|---|
| #9 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | |

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505. 758. 8626 Ext. 116

Fax#: 505. 758. 8631

ACH # 6663 (if applicable)

Request # 8 9 ogth

Cash on Hand: $ $3,049.87

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) if Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | N/A | $3,049.87 | | |
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TOTAL AMOUNT REQUESTED $ 3,049.87

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Co[illegible] — Recipient Approving Official's Signature — Date Approved 7/14/04

EPA Certifying Officer Approval — Date Approved — $ EPA APPROVED AMOUNT For EPA Use Only

# Invoice for Services

July 6, 2004

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
January 1, 2004 to June 30, 2004

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 1/8/04 | Document review | 1 | $20 | $20 |
| 1/23/04 | Document review | 1 | $20 | $20 |
| 2/10/04 | Reimbursement request | 1.5 | $20 | $30 |
| 2/12/04 | Prepared quarterly report | 2 | $20 | $40 |
| 2/26/04 | Financial document preparation | 1 | $20 | $20 |
| 3/08/04 | Quarterly Report preparation | 4 | $20 | $80 |
| 3/09/04 | Misc. administrative tasks | 1 | $20 | $20 |
| 3/16/04 | Reviewed e-mails | 1 | $20 | $20 |
| 3/30/04 | Reimbursement request | 1 | $20 | $20 |
| 4/22/04 | Quarterly Report preparation | 1 | $20 | $20 |
| 4/22/04 | Community Meeting | 4 | $20 | $80 |
| 4/23/04 | Document review | 2 | $20 | $40 |
| 5/07/04 | Reimbursement request | 1.5 | $20 | $30 |
| 5/10/04 | Document review/reviewed e-mails | 2 | $20 | $40 |
| 5/11/04 | Prepared quarterly report | 3 | $20 | $60 |
| 6/22/04 | Misc. administrative tasks | 1.5 | $20 | $30 |
| Total | | 28.5 | $20 | $570 |

**Invoice Total** **$570**

**Please note new address**
Remit to:

Patrick Nicholson
266 Maria Elena Loop
Taos, NM 87571

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

July 12, 2004

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, MAY, 2004

| | | |
|---|---|---|
| May 19th,20th, | Drove to Santa Fe, NM, to attend USGS Progress Report Meeting, MMD offices, sixteen hours @ 50..... | $800.00 |
| Mileage | 445 miles Santa Fe/Cotopaxi @ $0.365..... | $162.43 |
| Lodging | May 18th, 19th, El Rey, Santa Fe..... | $178.06 |
| Meals | May 19th, 20th, two days @ $30/day..... | $60.00 |
| May 24th, | Office hours, review USGS information, notes from progress reports, 4 hours @ 50..... | $200.00 |

Total this Invoice..... $1400.49

Please Remit To: Azurite, Inc., PO Box 338, Cotopaxi, CO 81223 Thank You!

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

July 12, 2004

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, JUNE, 2004

| | | |
|---|---|---|
| June 19th | Office hours, review correspondence and USGS progress reports in preparation for community meetings, 4 hours @ 50 | $200.00 |
| June 21st, 22nd | Drove to Questa to attend Questa Community Coalition Meeting and EPA Questa Community Information Meeting, 16 hours @ 50 | $800.00 |
| Mileage | 420 miles @ $0.365 | $153.30 |
| Lodging | June 22nd, Indian Hills Inn, Taos, NM | $66.08 |
| Meals | Two days @ $30/day | $60.00 |

Total this Invoice..... $1079.38

Please Remit To: Azurite, Inc., PO Box 338, Cotopaxi, CO 81223 Thank You!

# Financial Data Warehouse Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $23,838.01
**Available Amount:** $26,161.99
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $23,838.01 | $26,161.99 | 2002 | T | 6ASOP | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

#8

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: P. Nicholson

Phone #: 505. 751. 3063

Fax#: 505. 758. 8831

ACH # 6663 (if applicable)

Request # 7 8 gft

Cash on Hand: $ 2,396.61

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | N/A | $2,396.61 | | |
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TOTAL AMOUNT REQUESTED $ 2,396.61

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Co

Recipient Approving Official's Signature

5/7/04

Date Approved

EPA Certifying Officer Approval

Date Approved

$

EPA APPROVED AMOUNT
For EPA Use Only

JUL 25 '03 08:11AM EPA VFMC

P.2

**Bulk Mail Services, Inc.**
2500 San Mateo Pl NE
Albuquerque, NM 87110
Ph. (505) 881-9191 Fax (505)881-9393
We are a CASS and PAVE certified mailer.

# INVOICE

| DATE | INVOICE # |
|---|---|
| 4/16/2004 | 04AP450 |

| BILL TO |
|---|
| RIO COLORADO RECLAMATION COMMITEE<br>DAVID DOUGLAS<br>4601 MONTANO NW #116<br>ALBUQUERQUE, NM 87120 |

| P.O. NO. | TERMS | REP | MAIL DATE | PROJECT | DATABASE |
|---|---|---|---|---|---|
| | NET 10 DAYS | | 4/16/2004 | NEWSLETTER | RCRC0404 |

| ITEM | QUANTITY | DESCRIPTION | RATE | AMOUNT |
|---|---|---|---|---|
| BASE SERV (1) | 623 | Our basic services for quantities up to 999 | 0.07 | 43.61T |
| Postage paid | 623 | Actual postage amount paid to USPS | 0.16568 | 103.22 |
| Pd Post Serv | | Paid Postage Surcharge | 2.00% | 2.06T |
| | | Taxation & Revenue | 5.8125% | 2.65 |

YOUR POSTAGE RECEIPT AND PROOF OF MAILING IS ATTACHED.

**Total** $151.54

Please pay from this invoice. Statements are sent only for Past Due amounts.

total $2396.61

Kinko's (505) 922-9400
10032 Coors Road NW
Albuquerque, NM 87114

| QTY/LIST | DISC | PRICE | AMOUNT |
|---|---|---|---|
| 650 FS B&W D/S WHITE STD | | | |
| 0.16 | 0.04 | 0.12 | 78.00 |
| 650 FOLDING PER SHEET | | | |
| 0.03 | 0.00 | 0.03 | 19.50 |

SUB 97.50 TX 5.67 TOT 103.17
MasterCard 103.17
CHG 0.00

CUSTOMER ID DOUGLAS DAVID
XXXXXXXXXXXX1110 198673
I agree to pay the above amount
according to the card issuer agreement.
Sign Here: X_____

TOTAL DISCOUNT: $26.00

CW 83 TR 328817 RG 4A 04/14/04 12:40
Visit us @ http://www.kinkos.com

STAPLES

that was easy.

Low prices. Every item. Every day.
110% Price-Match. Guaranteed.
5201 Ouray NW
Albuquerque, NM 87120
(505) 833-1600

SALE 526695 6 001 08955
1318 04/14/04 12:24

| QTY SKU | OUR PRICE |
|---|---|
| REWARDS NUMBER 2634933788 | |
| 1 AVRY MAILING SEAL 072782052478 | 5.99 |
| 1 AVRY MAILING SEAL 072782052478 | 5.99 |
| SUBTOTAL | 11.98 |
| Standard Tax 5.81% | 0.70 |
| TOTAL | $12.68 |

MasterCard 12.68
Card No.: XXXXXXXXXXXX1110 <S>
Auth No.: 734790

TOTAL ITEMS 2

Compare and Save
with Staples-brand products.

WAL★MART
ALWAYS LOW PRICES.
Always.

WE SELL FOR LESS
MANAGER GEORGIA LITTERELL
( 505 ) 758 - 1136

ST# 0873 OP# 00000015 TE# 67 TR# 07[illegible]

| | | |
|---|---|---|
| CARTRIDGE | 073464653987 | 29.74 J |
| | SUBTOTAL | 29.74 |
| TAX 1 | 7.000 % | 2.08 |
| | TOTAL | 31.82 |
| | CASH TEND | 50.00 |
| | CHANGE DUE | 18.18 |

# ITEMS SOLD 1

TC# 1901 6969 0950 0297 9647

"FINDING NEMO" VHS/DVD AND "LEGALLY BLONDE 2" DVD AVAILABLE TUES, NOV 4
11/03/03 14:51:54

Artesanos de Questa Cultural Center
P.O. Box 739
Questa, New Mexico 87556
(505) 586-0443

Contract For Facility Use

I/We Rio Colorado Watershed hereby agree to use the La Cienega on _____ 2004 from the hours of 5:30 to 10:00 for the purpose of community meeting. We will abide to the following conditions:

1. Be liable for all breaking and/or damage to school building or ground.
2. Be responsible for cleaning the facility and the grounds after its use and leave the grounds and facility in a clean condition.
3. Be responsible for crowd control and security, including the proper parking of motor vehicles. This will include no permitting vehicles to be parked on the cement playing court.
4. Not allow others to use the facility when the contracted group is not present.
5. Be responsible for lowering the heater thermostat to the pre-set temperature.
6. The use of intoxicating beverages, drugs or possession of such on the facility premises is strictly prohibited.
7. No equipment will be rented to taken out of the facility grounds.
8. Failure or violation of contract forfeits this agreement.

Artesanos de Questa will not furnish supplies, furniture, except what is in the facility, or any other equipment.

The rental rates are as follows:

Cafeteria

| | |
|---|---|
| Cafeteria space | $100. 00 per day (paid in advance) |
| Kitchen | 50.00 per day |
| | 25.00 Meeting |

A $50.00 deposit over and above the fee will be required until the facility is cleaned by renter and inspected by Artesanos de Questa at which time the deposit will be returned.

Signed: Joyce Breeck (W) - RCRC Date: 5/4/04
Contractor

Address Box 665 Phone: 776-1580
Arroyo Seco NM 87514

Approved: _____ Date: _____
Artesanos de Questa

Paid by: Check _____ Cash _____

Not paid by EPA

1034

**RIO COLORADO RECLAMATION COMMITTEE**
P.O. BOX 637
QUESTA, NM 87556

95-449/1070
20209805

DATE 4/22/04

PAY TO THE ORDER OF Artisanas - Questa Cultural Center $ 25.00

Twenty-five 00/100 DOLLARS

**PEOPLES BANK**
T A O S

FOR

Hope Buechler

⑈001034⑈ ⑆107004491⑆ 20209805⑈

© DELUXE

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

April 8, 2004

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, MARCH, 2004

March 5th—office hours, telephone communication w/ M. Purcell, sampling plan Schedules, RCRC letter, .5 hr @ 50..... $25.00

March 7th—office hours, prepare report for RCRC BOD meeting, 2 hours @ 50 ..... $100.00

March 8th ---drove to Taos to attend BOD meeting, 8 hours @ 50..... $400.00

March 8th—mileage, rt Taos/Cotopaxi 405 miles @ .365..... $148.00

March 15th—office hours, review Goat Hill North Dump correspondence, work plan submittals, 2 hours @ 50..... $100.00

March 17th—office hours, write up for RCRC quarterly newletter, Goat Hill North Dump work progress, 1 hour @ 50..... $50.00

March 30th---office hours, telephone communication with B.Englebert, EPA request for interview, RE: public participation in Superfund process, 1 hour..... $50.00

March 30th ---office hours, telephone communication w/ A. Ondarza, Region 6 Public Liason, re: improving communication btw TAG & EPA site management, 1 hour @ 50..... $50.00

Total this Invoice..... $923.00

Please Remit To: Azurite, Inc., PO Box 338, Cotopaxi, CO 81223 Thank You!

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

May 3, 2004

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, APRIL, 2004

April 7th---office hours, correspondence with EPA, RE: petroleum spills and tailings sampling plan, 2 hours @ 50..... $100.00

April 20th, 21st,---office hours, review Historic Spills Sampling Plan document, prepare notes for community meeting presentation, 10ours @ 50..... $500.00

April 22nd,---Travel to Questa to attend RCRC Community Meeting, PM Meeting, 8 hours @ 50..... $400.00

April 22nd---Lodging, Ft. Garland, heavy snow storm encountered on return trip, ..... $58.15

April 22nd, 23rd,--Mileage, 250 miles @ .365..... $91.25

Total this Invoice..... $1149.40

Please Remit To: Azurite, Inc., PO Box 338, Cotopaxi, CO 81223 Thank You!

Financial Data Warehouse
Document Review

Data Refresh in Progress

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $21,441.40
**Available Amount:** $28,558.60
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | J |
|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $21,441.40 | $28,558.60 | 2002 | T | 6AS0P | 50102D | 0 |

**Document Activity:**

| | Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Rel |
|---|---|---|---|---|---|---|---|
| #7 | 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | |
| | 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | |
| | 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | |
| | 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | |
| | 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | |
| | 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | |
| | 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | |
| | 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | |

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505. 758. 8626

Fax#: 505 758. 8831

| ACH # (if applicable) | Request # 6 7 3th | Cash on Hand: $ 0 | | |
|---|---|---|---|---|
| **Assistance Agreement** | **Account No/Activity Code (Superfund Site Specific)** | **$ Amount** | **Mark (X) If Credit** | **For EPA Internal Use Only** |
| 1-98687101-0 | N/A | $ 2,681.34 | | |
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| | **TOTAL AMOUNT REQUESTED $** 2,681.34 | | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Co

Recipient Approving Official's Signature

3/31/04

Date Approved

EPA Certifying Officer Approval

Date Approved

$

EPA APPROVED AMOUNT
For EPA Use Only

JUL 25 '03 08:11AM EPA VFMC P.2

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

March 10, 2004

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, JANUARY, 2004

21-Jan-04 Lodging, Santa Fe, NM, USGS Progress Report Mtg @ MMD held at MMD offices ..... $76.13

22-Jan-04 Attended USGS Progress Report Meeting, Santa Fe MMD offices..... .....8 hours @ 50..... $400.00

22-Jan-04 Mileage, rt Cotopaxi/Santa Fe, 455 miles @ $.365..... $166.07

22-Jan-04 Meals, January 21st and 22nd, ..... $65.00

23-Jan-04 Office hours, write up summary report of USGS meeting to RCRC board, .....3 hours @ 50..... $150.00

29-Jan-04 Attended Stability Review Committee Meeting, Questa mine site..... .....8 hours @ 50..... $400.00

29-Jan-04 Lodging (1-28), Taos..... $54.88

29-Jan-04 Mileage, rt Taos/Cotopaxi, 430 miles @ .365..... $156.95

29-Jan-04 Meals, Jan 28th, 29th..... $40.00

Total this invoice..... $1509.03

Please Remit To: Azurite, Inc., PO Box 338, Cotopaxi, CO 81223 Thank You!

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

March 11, 2004

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, FEBRUARY, 2004

9-Feb-04 Office hours, write up report on Technical Working Group Meeting 1-29 for dissemination to RCRC board.....2 hours @ 50..... $100.00

12-Feb-04 Office hours, formulate letter to EPA re: petroleum spills and tailings use for village pipeline bedding.....3 hours @ 50..... $150.00

18-Feb-04 Office hours, correspondence re: letter changes and final draft sent 2-23.....
.....2 hours @ 50..... $100.00

18-Feb-04 Office hours, review subsidence correspondence MMD/SRB/SRBC.....
.....2 hours @ 50..... $100.00

26-Feb-04 Drove to Santa Fe to attend Technical Working Group Mtg, lodging cost
..... $60.85

27-Feb-04 Attended TWG Mtg, MMD offices, Santa Fe, 8 hours @ 50.... $400.00

27-Feb-04 Lodging cost..... $65.38

27-Feb-04 Meals ..... $30.00

27-Feb-04 Mileage, rt Cotopaxi/Santa Fe, 455 miles @ .365..... $166.08

Total this Invoice..... $1172.31

Please Remit To: Azurite, Inc., PO Box 338, Cotopaxi, CO 81223 Thank You!

# Financial Data Warehouse Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $18,760.06
**Available Amount:** $31,239.94
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $18,760.06 | $31,239.94 | 2002 | T | 6ASOP | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| | Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|---|
| 16 | 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| | 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| | 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| ✓ | 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| ✓ | 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| | 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| | 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

Financial Data Warehouse Homepage
EPA@Work Home | EPA Internet | Search | Comments

http://oasint.rtpnc.epa.gov/pls/neis/grant_web.grant_result
This web page was last updated on 03/22/2003.
This data was last updated on 02/18/2004 14:05
This page coordinated by: Natasha McCann

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505 758-8626

Fax#: 505 758.8831

ACH # (if applicable)

Request # 5 6 7th

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-58687101-0 | N/A | $2,301.40 | | |
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| | TOTAL AMOUNT REQUESTED $ | 2,301.40 | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Cu

Recipient Approving Official's Signature

2/11/04

Date Approved

EPA Certifying Officer Approval

Date Approved

$

EPA APPROVED AMOUNT
For EPA Use Only

JUL 25 '03 08:11AM EPA LVFMC P.2

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

January 23, 2004

Rio Colorado Reclamation Committee
Patrick Nickleson
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, NOVEMBER 1, 2003, THROUGH JANUARY 24 ,2004

November 17th ---drove to Denver, CO, to attend Sediment Chemistry Meeting at USGS offices, Federal Center, 12 hours @ 50..... $600.00

November 17th ---Mileage Cotopaxi/Denver, rt 360 miles @ .365..... $131.40
November 18th ---office hours, review Draft Sampling and Analysis Plan for Investigation Historic Tailings Spills Deposits Molycorp, Inc. Superfund Site, Questa, NM, 4 hours @ 50.. $200.00

November 19th ---offfice hours, review DSAP, 4 hours @ 50..... $200.00

December 8th ---office hours, study plan, e-mail correspondence and up-keep with ATSDR teleconference information flow, 4 hours @ 50..... $200.00

December 16th--- office hours, review Vail reports, USGS Baseline Studies Progress Report, Sampling Plan study, 5 hours @ 50..... $250.00

Total this invoice..... $1581.40

Please Remit To: Azurite, Inc., PO Box 338, Cotopaxi, CO 81223 Thank You!

# Invoice for Services

January 22, 2004

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
October 1, 2003 to December 31, 2003

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 10/6/03 | Prepared financial reimbursement request | 2.5 | $20 | $50 |
| 10/10/03 | Reimbursement reconciliation with checkbook | 0.5 | $20 | $10 |
| 10/15/03 | Quarterly Report preparation | 1 | $20 | $20 |
| 11/21/03 | Prepared reimbursement request | 1 | $20 | $20 |
| 11/23/03 | MBE/WBE report & deliverables preparation | 1 | $20 | $20 |
| 11/26/03 | Cover letter & 3rd Q. report draft | 2 | $20 | $40 |
| 12/1/03 | Prepared & sent 3rd Quarterly Report | 2 | $20 | $40 |
| 12/2/03 | Misc. administrative tasks | 1 | $20 | $20 |
| Total | | 11 | $20 | $220 |
| **Invoice Total** | | | | **$220** |

Please remit to:

Patrick Nicholson
6459 NDCBU
Taos, NM 87571

# INVOICE for SERVICES

Date: November 30, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

Consulting services from Steve Blodgett for November 2003

| Date | Task Description | | Hours | Rate / hr | Total |
|---|---|---|---|---|---|
| 11/10/2003 | Call from Karen Douglas re: tracer study, Questa water system | | 0.50 | $50.00 | $ 25.00 |
| 12-Nov-03 | Call from Mark Purcell re: historic tailings sampling plan/map | | 0.50 | $50.00 | $ 25.00 |
| 21-Nov-03 | Copy NMED files on Hunt's Pond correspondence | | 1.00 | $50.00 | $ 50.00 |
| 22-Nov-03 | Call from R. Vigil re: Hunt's Pond; NMED meetings | | 1.00 | $50.00 | $ 50.00 |
| | | **Total** | 3.00 | $50.00 | $ 150.00 |
| | **RCRC - Travel Expenses** | | | | |
| | **RCRC - Travel Expenses - Subtotal** | | | | $0.00 |
| | | | 3.00 | | $150.00 |

**Invoice Total / Please Remit:** **$150.00**

Please make check payable to: Steve Blodgett (SSN 358-36-6124)

# INVOICE for SERVICES

Date: December 31, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

Consulting services from Steve Blodgett for December 2003

| Date | Task Description | | Hours | Rate / hr | Total |
|---|---|---|---|---|---|
| 12/1/2003 | Review Historic Tailing Spills Work Plan | | 2.00 | $50.00 | $ 100.00 |
| 2-Dec-03 | Review Historic Tailing Spills Work Plan; write comments to EPA | | 2.00 | $50.00 | $ 100.00 |
| 8-Dec-03 | Revise comments on Historic Tailing Spills Work Plan | | 2.00 | $50.00 | $ 100.00 |
| 10-Dec-03 | Final revisions to comments on Work Plan | | 1.00 | $50.00 | $ 50.00 |
| | | **Total** | 7.00 | $50.00 | $ 350.00 |
| | **RCRC - Travel Expenses** | | | | |
| | **RCRC - Travel Expenses - Subtotal** | | | | $0.00 |
| | | | 7.00 | | $350.00 |

**Invoice Total / Please Remit:** **$350.00**

Please make check payable to: Steve Blodgett (SSN 358-36-6124)

# Financial Data Warehouse Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $16,458.66
**Available Amount:** $33,541.34
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $16,458.66 | $33,541.34 | 2002 | T | 6ASOP | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

#5

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

Financial Data Warehouse Homepage
EPA@Work Home | EPA Internet | Search | Comments

http://oasint.rtpnc.epa.gov/pls/neis/grant_web.grant_result
This web page was last updated on 03/22/2003.
This data was last updated on 12/03/2003 10:06
This page coordinated by: Natasha McCann

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: RIO Colorado Reclamation Committee (RCRC)

Contact Person: PATRICK Nicholson

Phone #: 505. 758. 8626

Fax#: 505 758 8831

ACH # 6663 (if applicable)

Request # 4-5 3th

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | N/A | $2,817.48 | | |
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TOTAL AMOUNT REQUESTED $ 2,817.48

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Ann

Recipient Approving Official's Signature

11/25/03

Date Approved

EPA Certifying Officer Approval

Date Approved

$

EPA APPROVED AMOUNT
For EPA Use Only

JUL 25 '03 08:11AM EPC FMC

P.2

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

October 13, 2003

Rio Colorado Reclamation Committee
Patrick Nickleson
Rachel Conn
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, SEPTEMBER, 2003

September 17th—drove to Questa to attend USGS technical session update on field work/reports concerning Red River Baseline Conditions. 8 hours @ 50..... $400.00

Mileage--- 400 miles @ .365..... $146.00

September 18, 19th---review USGS reports, prepare report for 24th community meeting, 4 hours @ 50..... $200.00

September 21, 22, 23rd--- drove to Taoa, NM, to attend planning and information session regarding Molycorp superfund activities/focus for RCRC lead in next 12 months. Two days of meetings included tour of reclamation plots at Molycorp site Tuesday, Sept. 23rd. Sixteen hours @ 50..... $800.00

September 24th--- office and field hours, review water quality data and hydrologic reports for Cabin Springs area as related to Molycorp site hydrology, attended community meeting as RCRC Technical Advisor, reported on aspects of RI/FS, eight hours @ 50..... $400.00

Mileage---520 miles@ .365..... $189.80

Total this invoice..... $2135.80

Please Remit To:

Azurite, Inc.
PO Box 338
Cotopaxi, CO 81223

Thank You!

# INVOICE for SERVICES

Date: October 31, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

Consulting services from Steve Blodgett for October 2003

| Date | Task Description | Hours | Rate / hr | Total |
|---|---|---|---|---|
| 12-Oct-03 | Review e-mail on recent Questa public meetings; review ATSDR PHA work plan | 1.00 | $50.00 | $ 50.00 |
| 13-Oct-03 | Call to E. Archuleta of ATSDR re: conference call on PHA work plan | 0.50 | $50.00 | $ 25.00 |
| 14-Oct-03 | Call to Mark Purcell for RI update' call to R. Vigil re: tailings dust storm, water lines, recent Questa public | 2.00 | $50.00 | $ 100.00 |
| 15-Oct-03 | Call to Air Quality Bureau re: dust storm; e-mails to K. Klco & M. Reddell re: RCRC activities | 0.50 | $50.00 | $ 25.00 |
| 21-Oct-03 | Meeting w/ R. Vigil re: tailings dust storm, tailings in water lines | 2.00 | $50.00 | $ 100.00 |
| 29-Oct-03 | Conference call w/ ATSDR on PHA; call w/David & Karen Dougls re: TAG activities | 2.00 | $50.00 | $ 100.00 |
| | **Total** | 8.00 | $50.00 | $ 400.00 |
| | **RCRC - Travel Expenses** | | | |
| 20-Oct-03 | Mileage: Socorro-Taos= 230 mi x .36/mi= $82.80; lodging= $66.08; per diem= $25 | | | $ 173.88 |
| 21-Oct-03 | Mileage: Taos-Socorro= 230 mi x .36/mi= $82.80; per diem= $25 | | | $ 107.80 |
| | **RCRC - Travel Expenses - Subtotal** | | | $281.68 |
| | | 8.00 | | $681.68 |

**Invoice Total / Please Remit:** **$681.68**

Please make check payable to: Steve Blodgett (SSN 358-36-6124)

Financial Data Warehouse
Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $31,432.62
**Available Amount:** $18,567.38
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $31,432.62 | $18,567.38 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

#4

Financial Data Warehouse Homepage

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505.758.8626

Fax#: 505.758.8831

ACH # 6663 (if applicable)

Request # 34 7th

Cash on Hand: $ 0

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | N/A | $1,952.18 | | |
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| | TOTAL AMOUNT REQUESTED $ | $1,952.18 | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel Ca

Recipient Approving Official's Signature

10/6/03

Date Approved

EPA Certifying Officer Approval

Date Approved

$

EPA APPROVED AMOUNT
For EPA Use Only

JUL 25 '03 08:11AM EPC RVF P.2

8/5/03 Moly corp package rec'd
Containing invoices + request for
reimbursement - COPY - for $1,494.

8/5/03 1:45PM Called Bill Humphrey, LVFC
to check if payment made for $1,494.
He states payment made to RCRC 7/30/03.

8/5/03. Telecon between Bill Humphrey +
Zana Halliday, TAG Assistant.
Q - Does LVFC have all financial
records, including advances, on TAGs.
A - He said yes. He asked for ID of TAG,
pulled it up, record shows $179 left
in advance.

(Added all invoices = $1,273.95
Bal still in Advance 3,726.05 *
as of 5/6/03)

Comments from Mr. Humphrey:
"We can have grantee fax request to us first.
if ok, we can then fax it ourselves to LVFC."

"LVFC has to process requests as soon as they
receive them.

Invoices $2991.85 4619.99

| | |
|---|---|
| 3121.05 | 4619.99 |
| 1494. — | 4615.05 |
| 4615.05 | 4.94 |

Financial [redacted]

8/5/03 Molycorp

9/3/02 Award $50,000

11/26/02 Advance 5,000

| | | | |
|---|---|---|---|
| Expenses | 11/12/02 | Ad - news | 94.35 |
| | 10/4/02 | Ad - news | 88.21 |
| | 3/31/03 | TA - Blodgett | 25.00 |
| | 4/7/03 | TA - Azurite | 750.00 |
| | 2/14/03 | U.S. Postal | 44.40 |
| | 1/28/03 | Sprint | 18.20 |
| | 11/29/02 | Office Supplies | 59.00 |
| | 10/11/02 | News Publishing | 66.66 |
| | 10/22, 23, 02 | U.S. Postal | 93.33 |
| | | U.S. Postal | 7.40 |
| | | | 7.40 |
| | | | 1,253.95 |

5,000.00
-1253.95

* 8/4/03 Rec'd balance of invoices supporting $5,000 advance. 1873.95

Balance 3,726.05 in advance as of 8/5/03.

# Financial Data Warehouse
## Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $31,432.62
**Available Amount:** $18,567.38
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $31,432.62 | $18,567.38 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| #3 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

Financial Data Warehouse Homepage

COPY

# U.S. EPA PAYMENT REQUEST

Recipient Name: Rio Colorado Reclamation Committee

Contact Person: Patrick Nicholson

Phone #: 505. 758. 8628

Fax#: 505. 758. 8831

ACH # 6663 (if applicable)

Request # ~~#~~ 3

Cash on Hand: $ 0 [redacted]

| Assistance Agreement | Account No/Activity Code (Superfund Site Specific) | $ Amount | Mark (X) If Credit | For EPA Internal Use Only |
|---|---|---|---|---|
| 1-98687101-0 | N/A | $5,195 | | |
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| | TOTAL AMOUNT REQUESTED $ | | | |

I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

APPROVALS: Rachel [illegible]
Recipient Approving Official's Signature

7/9/03
Date Approved

EPA Certifying Officer Approval

Date Approved

$
EPA APPROVED AMOUNT
For EPA Use Only

Reimbursement 9/9/03

**Patrick Nicholson**

**From:** Azurite [azurite@amigo.net]
**Sent:** Tuesday, September 02, 2003 10:56 AM
**To:** Patrick Nicholson
**Cc:** rachellconn@yahoo.com
**Subject:** tagnm63003

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

September 2, 2003

Rio Colorado Reclamation Committee
Patrick Nickleson
Rachel Conn
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, JULY 1 THROUGH AUGUST 31, 2003

July 7—office hours, final draft of RI/FS document write-up, eight hours @ 50..... $400.00

July 8--Highwall Stability Review Meeting, Molycorp mine site, eight hours @ 50.... $400.00
RCRC Board Meeting, PM, one hour, no charge
Mileage, RT Cotopaxi/Questa, 420 miles @ $.36..... $151.00
July 12—office hours, RI/FS research, final draft changes, communication with Board
Correspondence, four hours @ 50..... $200.00

July 14—office hours, RI/FS response to board members, 4 hours @ 50..... $200.00

July 22—office hours, RI/FS research and study, print out map copies for board review
And discussion at upcoming meeting, 6 hours @ 50..... $300.00

July 24—office and field hours, prepare information and document (RI/FS) review for
Sampling plan additions meeting, drove to Questa, attend meeting with R. Vigil,
C. Herreras, J. Cisneros, re oil dumping locations, return, eight hours @ 50.. $400.00
Mileage—rt Cotopaxi/Questa, 400 miles @ .36..... $144.00
July 28—office hours TAG correspondence with board members, write up sampling plan
Report regarding sampling locations, historic oil dumping, 4 hours @ 50..... $200.00

August 18—office hours, correspondence with board members, write up article for newsletter,
Re RI/FS process, four hours @ 50..... $200.00

August 20—office hours, correspondence with board members(e-mail), review of sampling plan document, continuous dust sampling device, (Beta Attenuation Meter), four hours @ 50..... $200.00

August 26—drove to Questa to attend Community Coalition Meeting w/ EPA and consultants,
Eight hours @ 50..... $400.00

August 27—attended RCRC board meeting, ATSDR meeting, and Community Meeting
with EPA presentation of RI/FS progress report, 5 hours @ 50..... $250.00

August 28—Stability Review Board Meeting, Molycorp mine site, eight hours @ 50.... $400.00
Mileage, 450 miles @ .36..... $162.00

Total this invoice..... $4007.00

Please Remit To:

Azurite, Inc.
PO Box 338
Cotopaxi, CO 81223

Thank You!

# INVOICE for SERVICES

Date: May 31, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

Consulting services from S. Blodgett for July 2003

| Date | Task Description | | Hours | Rate / hr | Total |
|---|---|---|---|---|---|
| 8-Jul-03 | Attend RCRC Board meeting in Questa | | 2.00 | $50.00 | $ 100.00 |
| 14-Jul-03 | Draft list of agency/elected official contacts | | 1.00 | $50.00 | $ 50.00 |
| 16-Jul-03 | Calls to Mark Purcell, R. Vigil, K. Douglas re: sampling plans; buried waste in dumps | | 3.00 | $50.00 | $ 150.00 |
| | | **Total** | 6.00 | $50.00 | $ 300.00 |

**RCRC - Travel Expenses**

**RCRC - Travel Expenses - Subtotal** $0.00

6.00 $300.00

**Invoice Total / Please Remit:** **$300.00**

Please make check payable to: Steve Blodgett (SSN 358-36-6124)

# INVOICE for SERVICES

Date: August 31, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

Consulting services from Steve Blodgett for August 2003

| Date | Task Description | Hours | Rate / hr | Total |
|---|---|---|---|---|
| 7-Aug-03 | E-mail to RCRC Board on stability meeting at Village Council | 0.50 | $50.00 | $ 25.00 |
| 12-Aug-03 | Review R. Vigil letter to EPA; read e-mail messages from RCRC Board members; e-mail M. Purcell, EP | 0.50 | $50.00 | $ 25.00 |
| 21-Aug-03 | Read/respond to e-mails on RCRC Board Meeting, EPA Community Meeting, Questa Coalition Meeting | 1.00 | $50.00 | $ 50.00 |
| 26-Aug-03 | Attend Questa Coalition Meeting at La Cienega | 3.00 | $50.00 | $ 150.00 |
| 27-Aug-03 | Tour Goat Hill/Capulin dumps w/ RCRC members; lead tour of Red River/Questa for ATSDR; attend El | 10.00 | $50.00 | $ 500.00 |
| | **Total** | 15.00 | | $ 750.00 |
| | **RCRC - Travel Expenses** | | | |
| 26-Aug-03 | Mileage: Socorro-Questa= 230 mi x .30/mi= $69 | | | $ 69.00 |
| 28-Aug-03 | Mileage: Questa-Socorro= 230 mi x .30/mi= $69 | | | $ 69.00 |
| | **RCRC - Travel Expenses - Subtotal** | | | $138.00 |
| | | 15.00 | | $888.00 |

**Invoice Total / Please Remit:** **$888.00**

Please make check payable to: Steve Blodgett (SSN 358-36-6124)

# Financial Data Warehouse
## Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $31,432.62
**Available Amount:** $18,567.38
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | CostC |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $31,432.62 | $18,567.38 | 2002 | T | 6AS0P | 50102D | 06DLTG00 | 4185 | C001 |

**Document Activity:**

| Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Date | R |
|---|---|---|---|---|---|---|---|---|
| 12/14/04 | $580.00 | GP 05AS0072761 | Forward | | | | | |
| 11/19/04 | $2,215.09 | GP 05AS0068815 | Forward | | | | | |
| 10/27/04 | $1,749.65 | GP 05AS0064744 | Forward | | | | | |
| 07/15/04 | $3,049.87 | GP 04AS0047292 | Forward | | | | | |
| 05/10/04 | $2,396.61 | GP 04AS0035826 | Forward | | | | | |
| 04/02/04 | $2,681.34 | GP 04AS0030286 | Forward | | | | | |
| 02/13/04 | $2,301.40 | GP 04AS0022181 | Forward | | | | | |
| 11/26/03 | $2,817.48 | GP A4002716945 | Forward | | | | | |
| 10/07/03 | $1,952.18 | GP A4002710561 | Forward | | | | | |
| 09/10/03 | $5,195.00 | GP A3003195834 | Forward | | | | | |
| 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | | |
| #1 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | | |
| 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | | |

Advance

Financial Data Warehouse Homepage

# REQUEST FOR ADVANCE OR REIMBURSEMENT

*(See instructions on back)*

OMB APPROVAL NO. 0348-0004

PAGE 1 OF PAGES

RECEIVED EPA REGION VI 2002 NOV 26 AM 9:07 PROGRAMS MGMT BRANCH

1. TYPE OF PAYMENT REQUESTED
   a. "X" one or both boxes: ☐ ADVANCE ☒ REIMBURSEMENT
   b. "X" the applicable box: ☐ FINAL ☒ PARTIAL

2. BASIS OF REQUEST: ☐ CASH ☐ ACCRUAL

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED: EPA

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY: 1-98687101-0

5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST: 1

6. EMPLOYER IDENTIFICATION NUMBER: 02-0621117

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER: 20209805

8. PERIOD COVERED BY THIS REQUEST
   FROM (month, day, year): 10/01/02
   TO (month, day, year): 11/15/02

9. RECIPIENT ORGANIZATION
   Name: Rio Colorado Reclamation Committee
   Number and Street: P.O. Box 637
   City, State and ZIP Code: Questa, NM 87556

10. PAYEE (Where check is to be sent if different than item 9)
   Name:
   Number and Street:
   City, State and ZIP Code:

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

| PROGRAMS/FUNCTIONS/ACTIVITIES ► | (a) | (b) | (c) | TOTAL |
|---|---|---|---|---|
| a. Total program outlays to date (As of date) | $ 6250.00 | $ | $ | $ 6250.00 |
| b. Less: Cumulative program income | | | | |
| c. Net program outlays (Line a minus line b) | | | | |
| d. Estimated net cash outlays for advance period | | | | |
| e. Total (Sum of lines c & d) | 6250.00 | | | 6250.00 |
| f. Non-Federal share of amount on line e 20% | 1250.00 | | | 1250.00 |
| g. ~~Federal share of amount on line e~~ hti | 5,000.00 | | | 5000.00 |
| h. Federal payments previously requested | 0 | | | 0 |
| i. Federal share now requested (Line g minus line h) 80% | 5,000.00 | | | 5000.00 |
| j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances — 1st month | | | | |
| 2nd month | | | | |
| 3rd month | | | | |

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

| | |
|---|---|
| a. Estimated Federal cash outlays that will be made during period covered by the advance | $ |
| b. Less: Estimated balance of Federal cash on hand as of beginning of advance period | |
| c. Amount requested (Line a minus line b) | $ |

AUTHORIZED FOR LOCAL REPRODUCTION

(Continued on Reverse)

STANDARD FORM 270 (Rev. 7-97)
Prescribed by OMB Circulars A-102 and A-110

Beverly Negri — Approved for Payment

11/26/02 — Date

13. **CERTIFICATION**

| | | |
|---|---|---|
| I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested. | SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL<br>Rachel Conn | DATE REQUEST SUBMITTED<br>11/15/02 |
| | TYPED OR PRINTED NAME AND TITLE<br>Rachel Conn | TELEPHONE (AREA CODE, NUMBER, EXTENSION)<br>719-~~758~~ 672-0401 |

This space for agency use

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

## INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

| *Item* | *Entry* |
|---|---|
| 2 | Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis. |
| 4 | Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement. |
| 6 | Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency. |
| 7 | This space is reserved for an account number or other identifying number that may be assigned by the recipient. |
| 8 | Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested. |
| Note: | The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports. |
| 11 | The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page. |
| 11a | Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees. |
| 11b | Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement. |
| 11d | Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance. |
| 13 | Complete the certification before submitting this request. |

# Bulk Mail Services, Inc.

2500 San Mateo Pl NE
Albuquerque, NM 87110
Ph. (505) 881-9191 Fax (505)881-9393
We are a CASS and PAVE certified mailer.

# INVOICE

| DATE | INVOICE # |
|---|---|
| 10/22/2004 | 04OC1271 |

| BILL TO |
|---|
| RIO COLORADO RECLAMATION COMMITEE<br>DAVID DOUGLAS<br>4601 MONTANO NW #116<br>ALBUQUERQUE, NM 87120 |

| P.O. NO. | TERMS | CLASS | MAIL DATE | PROJECT | DATABASE |
|---|---|---|---|---|---|
| | NET 10 DAYS | PS | 10/19/2004 | NEWSLETTER | MAST1004 |

| ITEM | QUANTITY | DESCRIPTION | RATE | AMOUNT |
|---|---|---|---|---|
| BASE SERV (1) | 550 | Our basic services for quantities up to 999 | 0.08 | 44.00T |
| Postage paid | 550 | Actual postage amount paid to USPS | 0.16524 | 90.88 |
| Pd Post Serv | | Paid Postage Surcharge | 1.00 | 1.00T |
| | | Taxation & Revenue | 6.0625% | 2.73 |

YOUR POSTAGE RECEIPT AND PROOF OF MAILING IS ATTACHED.

**Total** $138.61

We accept Mastercard & Visa
by phone!

FedEx Kinko's (505) 922-9400
10032 Coors Road NW
Albuquerque, NM 87114

| QTY/LIST | DISC | PRICE | AMOUNT |
|---|---|---|---|
| 600 FS B&W D/S WHITE STD | | | |
| 0.16 | 0.04 | 0.12 | 72.00 |
| 600 FOLDING PER SHEET | | | |
| 0.03 | 0.00 | 0.03 | 18.00 |

SUB 90.00 TX 5.46 TOT 95.46
MasterCard 95.46
CHG 0.00

CUSTOMER ID DOUGLAS, DAVID
XXXXXXXXXXXX1110 085665

I agree to pay the above amount
according to the card issuer agreement.
Sign Here: X_____

TOTAL DISCOUNT: $24.00

CW 82 TR 349695 RG 4 10/15/04 08:39
Make it. Print it. Pack it. Ship it.

# Invoice for Services

October 6, 2003

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
July 1, 2003 to September 30, 2003

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 7/8/03 | Attendance at RCRC Board Meeting | 3 | $20 | $60 |
| 7/11/03 | Reviewed emails | 0.5 | $20 | $10 |
| 7/14/03 | Document review; In-kind documentation; Prepared financial reimbursement request | 3 | $20 | $60 |
| 7/17/03 | Reviewed emails | 0.5 | $20 | $10 |
| 7/18/03 | Prepared financial reimbursement request | 0.5 | $20 | $10 |
| 7/21/03 | Reviewed financial statements Prepared financial reimbursement request | 1 | $20 | $20 |
| 7/22/03 | Reviewed financial statements; phone calls Prepared financial reimbursement request | 1 | $20 | $20 |
| 7/23/03 | Quarterly Report prep. mtg; Financial review | 2 | $20 | $40 |
| 7/24/03 | Phone calls to the EPA; Financial document prep; email review | 1.5 | $20 | $30 |
| 7/28/03 | Financial document prep; In-kind documentation | 3 | $20 | $60 |
| 7/29/03 | Cover letter; Document delivery; Administrative tasks | 1.5 | $20 | $30 |
| 8/12/03 | Administrative tasks; Scheduling; Reviewed emails | 1 | $20 | $20 |
| 8/17/03 | Quarterly Report prep. & drafting; Cover letter; Administrative tasks | 2.5 | $20 | $50 |
| 8/18/03 | Document review; Compliance review prep. | 1 | $20 | $20 |
| 8/25/03 | Compliance review prep. | 0.5 | $20 | $10 |
| 8/26/03 | Compliance review meeting with EPA | 3 | $20 | $60 |
| 9/9/03 | Prepared financial reimbursement request | 1 | $20 | $20 |
| 9/24/03 | Attendance at RCRC Community Mtg. | 3 | $20 | $60 |
| Total | | 29.5 | $20 | $590 |
| **Invoice Total** | | | | **$590** |

Please remit to:

Patrick Nicholson
6459 NDCBU
Taos, NM 87571

# INVOICE for SERVICES

Date: September 30, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

Consulting services from Steve Blodgett for September 2003

| Date | Task Description | | Hours | Rate / hr | Total |
|---|---|---|---|---|---|
| 8-Sep-03 | Call to Mark Purcell, EPA, re: public meeting, QCC, tailings backfill issues | | 1.00 | $50.00 | $ 50.00 |
| 10-Sep-03 | Write/review e-mails re: public meeting, tailings backfill, QCC issues | | 2.00 | $50.00 | $ 100.00 |
| 13-Sep-03 | Write summary of RI preliminary data for RCRC public meeting on 9/24 | | 3.00 | $50.00 | $ 150.00 |
| 14-Sep-03 | Write summary of RI preliminary data for RCRC public meeting on 9/24 | | 1.00 | $50.00 | $ 50.00 |
| 20-Sep-03 | Revise summary of preliminary RI data | | 1.00 | $50.00 | $ 50.00 |
| 24-Sep-03 | Attend RCRC public meeting in Questa | | 2.00 | $50.00 | $ 100.00 |
| | | Total | 10.00 | $50.00 | $ 500.00 |
| | **RCRC - Travel Expenses** | | | | |
| 24-Sep-03 | Mileage: Socorro-Questa= 230 mi x .36/mi= $82.80; per diem= $25 | | | | $ 107.80 |
| 25-Sep-03 | Mileage: Questa-Socorro= 230 mi x .36/mi= $82.80; per diem= $25 | | | | $ 107.80 |
| | **RCRC - Travel Expenses - Subtotal** | | | | $215.60 |
| | | | 10.00 | | $715.60 |

**Invoice Total / Please Remit:** **$715.60**

Please make check payable to: Steve Blodgett (SSN 358-36-6124)

# Artesanos de Questa Cultural Center

PO Box 739 - #41 Hwy 38 Questa, NM 87556
(505) 586-0443

## Sales Invoice

**Date:** 9-24-03

| Qty | Code & Description | Price Ea | Amount |
|---|---|---|---|
| | RCRC | $ 25.00 | $ 25.00 |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |

Payment Method

| Cash | Check | Charge |
|---|---|---|
| | # ✓ | |

| | |
|---|---|
| **Subtotal** | $ 25.00 |
| **7% Tax** | $ |
| **Total Due** | $ 25.00 |

**Sold To:**

Hope $ 470.10

DATE: 09/16/03 TIME: 12:59

SOUTHSIDE COPIES GRAPHICS
925 E PASEO DEL PUEBLO SUR
TAOS, NM 87571
(505) 751-1313

CLERK ID

| QUAN | DESCRIPTION | AMT |
|---|---|---|
| | | |
| | | |
| | | |

SUB

REF NO 25916003 TAX

AUTH NO 015855

TRAN TYPE SALE TOTAL 192.60

ACCOUNT # EXP

**********6440

SIGNATURE X

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)

THANK YOU

TOP COPY-MERCHANT BOTTOM COPY-CUSTOMER

UNITED STATES POSTAL SERVICE

***** WELCOME TO *****
TAOS POE
TAOS, NM 87571-5973
09/16/03 01:32PM

| | | | |
|---|---|---|---|
| Store | USPS | Trans | 22 |
| Wkstn | sys5003 | Cashier | KGWKZC |
| Cashier's Name | | EDWIN | |
| Stock Unit Id | | WINEDWIN | |
| PO Phone Number | | 505-751-1801 | |
| USPS # | | 3401500996 | |

| | |
|---|---|
| 1. 37c Flag PSA Coil | 259.00 |
| 7 @ 37.00 | |
| 2. 37c Flag PSABk/10 | 3.70 |
| 3. $7.40 Flag DS Bk | 7.40 |
| 4. $7.40 Flag DS Bk | 7.40 |
| Subtotal | 277.50 |
| Total | 277.50 |
| CreditCard | 277.50 |

Please call 1-800-ASK-USPS (1-800-275-8777) for USPS information or visit us on the web at www.usps.com. To order stamps by phone, call 1-800-Stamp24.

Number of Items Sold: 10

Thank You
Please come again!

Marsha Reddell

# WAL★MART®

ALWAYS LOW PRICES.

Always.

WE SELL FOR LESS
MANAGER GEORGIA LITTERELL
( 505 ) 758 - 1136

ST# 0873 OP# 00000101 TE# 67 TR# 02697

| | | |
|---|---|---|
| CARTRIDGE | 073464653987 | 29.74 J |
| | SUBTOTAL | 29.74 |
| TAX 1 | 7.000 % | 2.08 |
| | TOTAL | 31.82 |
| | CASH TEND | 50.85 |
| | CHANGE DUE | 19.03 |

## # ITEMS SOLD 1

TC# 7612 4659 0091 1078 7428

DISNEY'S KIM POSSIBLE EVENT
COMING TO A STORE NEAR YOU!
09/16/03 14:54:12

Ck. # 1017

Brooke Tatum

09-15-03
15-22
0030

printer cartridge 03 → •24•49 I
mailing labels 01 → •12•99 I
•37•48 I IA
•2•62 I II

•40•10 CX misc. supplies

P.O. BOX 1269, SANTA FE, NEW MEXICO 87504-1269

# NONPROFIT CORPORATE REPORT

TO THE STATE PUBLIC REGULATION COMMISSION OF NEW MEXICO

#1010

TAXABLE YEAR CLOSING DATE

INSTRUCTIONS ON BACK PAGE
PLEASE TYPE OR PRINT LEGIBLY

Due on or before the fifteenth day of the fifth month following the end of its taxable year. 08/14/03

1. MAIL TO:

EXACT CORPORATE NAME AND U.S. MAILING ADDRESS

THE RIO COLORADO RECLAMATION COMMITTEE, INC.

P O BOX 637
QUESTA NM 87556

Please use this computer pre-addressed form when filing to avoid a delay in processing. If unable to use a pre-addressed form, print NMPRC Certificate of Incorporation/Authority Number, New Mexico Taxation and Revenue ID Number, Corporate Name and Mailing Address and Zip Code in the spaces provided. If pre-printed information is not correct, print the corrected information.

DNP

2. PRINCIPAL PLACE OF BUSINESSES IN NEW MEXICO

STREET 7256 HWY 518

CITY,ZIP RANCHOS DE TOAS NM 87557

3. PRINCIPAL OFFICE OUTSIDE NEW MEXICO (If different from registered office in state of Incorporation)

STREET

CITY,STATE,ZIP

4. NMSPRC Certificate of Incorporation/Authority Number

2260636

Refer to above number in all correspondence

5. NM Taxation & Revenue ID No.

6. FOREIGN CORPORATION--REGISTERED OFFICE IN STATE OF INCORPORATION

STREET

CITY,STATE,ZIP

7. STATE OR COUNTRY OF INCORPORATION

NM

8. REGISTERED AGENT AND OFFICE LOCATED WITHIN NEW MEXICO FOR SERVICE OF PROCESS (Filing corporation cannot be its own agent)

NAME KAREN DOUGLAS

STREET 4601 MONTANO NW #116

(Post Office Box unacceptable unless geographical location is given)

CITY,ZIP ALBUQUERQUE NM 87120

9. The names and address of ALL the directors and officers (identify each elected director from an officer's position, and a New Mexico Corporation shall have not less than three directors. Refer to instruction No.9) of the Corporation.

OFFICE/TITLE NAME AND ADDRESS

Director

Director

Director

(Attach Schedule if needed)

The character of its business in New Mexico, briefly stated, is

10. Under penalties of perjury, I declare and affirm that I have examined this report, including the accompanying schedules and statements contained therein are true and correct.

Dated

Signature and Title

Signature and Title

The Report shall be signed and sworn to by any two of its directors or officers. If the corporation is in the hands of a receiver, the Report shall be executed on behalf of the corporation by the receiver or trustee.

11. PAYMENT OF FILING FEE AND LATE FILING PENALTY:

(a) Filing fee due on Corporate Report .....(a) $ 10.00
(b) $10.00 Late Filing Fee Penalty .....(b)
IRS or PRC Valid extension, if any must be submitted with report at time of submission.)
(c) Total Amount due with Corporate Report (lines a+b) ...(c) $
PLEASE DO NOT SUBMIT CASH FOR PAYMENT

NMSPRC Office Use Only

| Amount Remitted | Postmark Date |
|---|---|
| | |

Form CCNCRF 11/4/99

Financial Data Warehouse
Document Review

**Document Summary:** General Ledger Entries
**Doc Type:** GO
**Doc No:** 198687101
**Order Date:** 09/03/02
**Effective Date:** 09/03/02
**Closed Date:**
**Servicing Finance Office:** AP06
**Order Amount:** $50,000.00
**Paid Amount:** $6,494.00
**Available Amount:** $43,506.00
**Vendor:** RIO COLORADO RECLAMATION COMM.

**Document Details:** Expand

| Line# | Line Amt | Paid Amt | Available Amt | BFY | Fund | Org | Program | Job | BOC | Cos |
|---|---|---|---|---|---|---|---|---|---|---|
| 001 | $50,000.00 | $6,494.00 | $43,506.00 | 2002 | T | 6ASOP | 50102D | 06DLTG00 | 4185 | C00 |

**Document Activity:**

| | Date | Ref Amount | Related Document | Direction | Date | Ref Amount | Related Document | Da |
|---|---|---|---|---|---|---|---|---|
| #2 | 07/30/03 | $1,494.00 | GP A3003146614 | Forward | | | | |
| #1 | 11/27/02 | $5,000.00 | GP A3001439084 | Forward | | | | |
| | 09/03/02 | $50,000.00 | RQ 026ASGR018 | Back | | | | |

Financial Data Warehouse Homepage
EPA@Work Home | EPA Internet | Search | Comments

http://oasint.rtpnc.epa.gov/pls/neis/grant_web.grant_result
This web page was last updated on 03/22/2003.
This data was last updated on 09/02/2003 12:06
This page coordinated by: Natasha McCann

# REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

OMB APPROVAL NO. 0348-0004

PAGE | OF | PAGES

1. TYPE OF PAYMENT REQUESTED
a. "X" one or both boxes: ☐ ADVANCE ☒ REIMBURSEMENT
b. "X" the applicable box: ☐ FINAL ☒ PARTIAL

2. BASIS OF REQUEST: ☐ CASH ☐ ACCRUAL

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED: EPA

4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY: 1-98687101-0

5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST: 2

6. EMPLOYER IDENTIFICATION NUMBER: 02-0621117

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER: 20209805

8. PERIOD COVERED BY THIS REQUEST
FROM (month, day, year): 11/16/02
TO (month, day, year): 7/15/03

9. RECIPIENT ORGANIZATION
Name: Rio Colorado Reclamation Committee
Number and Street: P.O. Box 637
City, State and ZIP Code: Questa, NM 87556

10. PAYEE (Where check is to be sent if different than item 9)
Name:
Number and Street:
City, State and ZIP Code:

## 11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

| PROGRAMS/FUNCTIONS/ACTIVITIES ▶ | (a) | (b) | (c) | TOTAL |
|---|---|---|---|---|
| a. Total program outlays to date (As of date) 7/15/03 | $ 8,043 | $ | $ 8,118 | $ 8,043 |
| b. Less: Cumulative program income | Ø | | | Ø |
| c. Net program outlays (Line a minus line b) | 8,043 | | 8/7/03 | 8,043 |
| d. Estimated net cash outlays for advance period | Ø | | | Ø |
| e. Total (Sum of lines c & d) | 8,043 | | | 8,043 |
| f. Non-Federal share of amount on line e 20% | 1,549 | | | 1,549 |
| g. Federal share of amount on line e | 6,494 | | | 6,494 ✓ |
| h. Federal payments previously requested | 5,000 | | | 5,000 ✓ |
| i. Federal share now requested (Line g minus line h) 80% | 1,494 | | | 1,494 ✓ |
| j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances — 1st month | | | | |
| 2nd month | | | | |
| 3rd month | | | | |

## 12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

| | |
|---|---|
| a. Estimated Federal cash outlays that will be made during period covered by the advance | $ |
| b. Less: Estimated balance of Federal cash on hand as of beginning of advance period | |
| c. Amount requested (Line a minus line b) | $ |

AUTHORIZED FOR LOCAL REPRODUCTION

(Continued on Reverse)

STANDARD FORM 270 (Rev. 7-97)
Prescribed by OMB Circulars A-102 and A-110

13. **CERTIFICATION**

| | | |
|---|---|---|
| I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested. | SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL<br>Rachel Conn | DATE REQUEST SUBMITTED<br>7/28/03 |
| | TYPED OR PRINTED NAME AND TITLE<br>Rachel Conn | TELEPHONE (AREA CODE, NUMBER, EXTENSION)<br>719-672-0401 |

This space for agency use

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

## INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

| *Item* | *Entry* |
|---|---|
| 2 | Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis. |
| 4 | Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement. |
| 6 | Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency. |
| 7 | This space is reserved for an account number or other identifying number that may be assigned by the recipient. |
| 8 | Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested. |
| Note: | The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports. |
| 11 | The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page. |
| 11a | Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees. |
| 11b | Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement. |
| 11d | Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance. |
| 13 | Complete the certification before submitting this request. |

Peoples Bank - KSNM
(505) 758-4211

NOTICE OF ITEMS WITH INSUFFICIENT FUNDS

ACCOUNT 20209805 DATE 9/09/03

THE ITEMS LISTED BELOW HAVE EITHER BEEN PAID (PD) OR RETURNED (RT).

| CHECK # | AMOUNT | | CHECK # | AMOUNT |
|---|---|---|---|---|
| 1015 | 1,628.14 | PD | | |

PLEASE DEDUCT A PROCESSING CHARGE OF: 26.75
AVAILABLE BALANCE: 64.91-

RIO COLORADO RECLAMATION COMMITTEE
PO BOX 637
QUESTA NM 87556

# Invoice for Services

July 1, 2003

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
April 1, 2003 to June 30, 2003

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 4/2/03 | Reviewed emails; phone calls; created forms. | 2 | $20 | $40 |
| 4/28/03 | Prepared financial reimbursement request. | 3 | $20 | $60 |
| 4/29/03 | Prepared financial reimbursement request; phone calls; & associated administrative tasks. | 4.25 | $20 | $85 |
| 4/30/03 | Phone calls to the EPA; financial document prep; email review; reporting discussion with RCRC; cover letter; and financial reporting document delivery | 5 | $20 | $100 |
| 5/7/03 | Reviewed emails & other correspondence | 1 | $20 | $20 |
| 5/9/03 | Administrative tasks & 2nd Quarterly Report prep. | 2.25 | $20 | $45 |
| 5/13/03 | 2nd Quarterly Report prep. & drafting. | 3.5 | $20 | $70 |
| 5/14/03 | Drafted cover letter & administrative tasks | 1.5 | $20 | $30 |
| 5/15/03 | Administrative tasks; Quarterly Report review and mailing. | 2 | $20 | $40 |
| 6/9/03 | Phone calls & email correspondence | 0.5 | $20 | $10 |
| 6/20/03 | Reviewed emails | 0.5 | $20 | $10 |
| 6/23/03 | Financial reporting prep | 2 | $20 | $40 |
| Total | | 27.5 | $20 | $550 |
| **Invoice Total** | | | | **$550** |

pd. 7/8/03 ~~Invoice~~
CK # 1012

Please remit to:

Patrick Nicholson
6459 NDCBU
Taos, NM 87571

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

June 30, 2003

Rio Colorado Reclamation Committee
Patrick Nickleson
Rachel Conn
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, APRIL1 THROUGH JUNE 30, 2003

| | | |
|---|---|---|
| 10-April-03 | Document review—Remedial Investigation/ Feasibility Study, Molycorp Site, Questa, New Mexico, 2 hours @ 50..... | $100.00 |
| 11-April-03 | Document review---Remedial Investigation/Feasibility Study, Molycorp Site, Questa, New Mexico, 2 hours @ 50..... | $100.00 |
| 15-April-03 | Document review—Final Draft, Molycorp Remedial Investigation/Feasibility Study Work Plan, Molycorp Superfund Site, Questa, NM, dated 7-11-02, 4 hours @ 50..... | $200.00 |
| 16-April-03 | Document review—Final Draft, Molycorp Remedial Investigation/Feasibility Study Work Plan, Molycorp Superfund Site, Questa, NM, 5 hours @ 50..... | $250.00 |
| 13-May-03 | Document review---Final Draft of RI/FS..... 3 hours @ 50..... | $150.00 |
| 15-May-03 | Document review---Final Draft of RI/FS..... 4 hours @ 50..... | $200.00 |
| 20-May-03 | Document review---Final Draft of RI/FS..... 3 hours @ 50..... | $150.00 |
| 09-June-03 | Document review---Final Draft of RI/FS..... 3 hours @ 50..... | $150.00 |
| 18-June-03 | Document review---Final Draft of RI/FS..... 2 hours @ 50..... | $100.00 |
| 19-June-03 | Report on Findings of RI/FS review, 2 hours @ 50..... | $100.00 |
| 20-June-03 | Report on Findings of RI/FS review, 3 hours @ 50..... | $150.00 |
| 24-June-03 | Attend field tour of affected residences in Questa area, ATSDR meetings with RCRC and public, 8 hours @ 50..... | $400.00 |
| 24-June-03 | Mileage, 432 miles RT Cotopaxi, Questa, @ $.36..... | $155.50 |
| 24-June-03 | Meals, dinner, R. Conn and K. Klco, El Seville, Questa..... (receipt attached to hard copy) | $22.64 |

Total This Invoice.....$2228.14

Please Remit To: paid 600.00 7/8/03
check # 1013

Azurite, Inc.

PO Box 338
Cotopaxi, CO 81223

Thank You!

017

Always show your P.O. Box No. and ZIP Code in your return address

Received Post Office Box/Caller Service Fees
From: *(Name of Customer)* Rio Colorado Redevelopment

Amount $ 36.00

*(Dating Stamp)*

Information on your Form 1093, Application for Post Office Box or Caller Service, must be updated if it has changed. For regulations pertaining to P.O. boxes, see rules for use of Post Office Box and Caller Service on Form 1093.

Box Number(s) 637

- [ ] For one semiannual payment period
- [x] For Annual payment period
- [ ] Reserved Number Fee

Ending *(Date)* 5-31-04

Postmaster By

**Thank you**

QUESTA, N.M. 87556 JUN -9 2003 USPS

Original

PS Form 1538
Aug. 1989

**RECEIPT FOR POST OFFICE BOX/CALLER SERVICE FEES**

Check # 1007

**WAL★MART**
ALWAYS LOW PRICES.

Always

WE SELL FOR LESS
MANAGER ROB COWGUR
( 505 ) 758 - 1136

ST# 0873 OP# 00000101 TE# 67 TR# 01985
CARTRIDGE 073464653986 33.67 J
CARTRIDGE 073464653987 29.74 J
SUBTOTAL 63.41
TAX 1 7.000 % 4.44
TOTAL 67.85
CASH TEND 100.00
CHANGE DUE 32.15

# ITEMS SOLD 2

Qty # TOTD - Mark Redbell

TC# 4127 5123 9928 8401 0501
HARRY POTTER BOOK AVAILABLE SAT 6/21.
06/17/03 09:46:55

# INVOICE for SERVICES

Date: May 31, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

*Consulting services from S. Blodgett for May 2003*

| Date | Task Description | | Hours | Rate / hr | Total |
|---|---|---|---|---|---|
| 15-May-03 | RCRC Board meeting in Questa | | 3.50 | $50.00 | $ 175.00 |
| 22-Jun-03 | Re-write comments to ATSDR on "Public Health Assessment" | | 0.50 | $50.00 | $ 25.00 |
| | | **Total** | 4.00 | | $ 200.00 |
| | **RCRC - Travel Expenses** | | | | |
| 15-May-03 | Mileage: Socorro-Questa= 230 mi x .30/mi= $69; lodging in Taos: $56.00; per diem = $25 | | | | $ 150.00 |
| | **RCRC - Travel Expenses - Subtotal** | | | | $150.00 |
| | | | 4.00 | | $350.00 |

**Invoice Total / Please Remit:** **$350.00**

Please make check payable to: Steve Blodgett (SSN 358-36-6124)

pd. 6/24/03
CK# 1009

# INVOICE for SERVICES

Date: May 31, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

Consulting services from S. Blodgett for June 2003

| Date | Task Description | | Hours | Rate / hr | Total |
|---|---|---|---|---|---|
| 17-Jun-03 | Prepare letter report on Goat Hill North dump stability issues | | 1.00 | $50.00 | $ 50.00 |
| 24-Jun-03 | Meet w/ R. Vigil, M. Reddell, R. Herrera to field check tour for ATSDR on 6/25/03 | | 3.00 | $50.00 | $ 150.00 |
| 25-Jun-03 | Meet w/ ATSDR for Questa tour; meet w/ RCRC Board; public meeting w/ ATSDR | | 6.00 | $50.00 | $ 300.00 |
| 26-Jun-03 | Review/write comments on EPA sampling plan for tailings | | 2.00 | $50.00 | $ 100.00 |
| | | Total | 12.00 | | $ 600.00 |
| | **RCRC - Travel Expenses** | | | | |
| 23-Jun-03 | Mileage: Socorro-Questa= 230 mi x .30/mi= $69; per diem = $25 | | | | $ 94.00 |
| 26-Jun-03 | Mileage: Socorro-Questa= 230 mi x .30/mi= $69; per diem = $25 | | | | $ 94.00 |
| | **RCRC - Travel Expenses - Subtotal** | | | | $188.00 |
| | | | 12.00 | | $788.00 |

**Invoice Total / Please Remit:** **$788.00**

*Please make check payable to: Steve Blodgett (SSN 358-36-6124)*

pd- 7/8/03 Check # 1011

## Summary
## Monthly Recording of Group's Matching Contribution

Month May

Year 2003

| Member | In-kind | Cash Expenditure | Total |
|---|---|---|---|
| Rachel Conn | 8 | | |
| Hope Buechler 9.5 | 237.5 | | |
| Taylor Streit 9 | 225 | | |
| Carlos Herrera 8 | 200 | | |
| Brooke Tatum | 8 | | |
| Karen Douglas 225 | 562.50 | | |
| David Douglas | 785- | | |
| Robert Vigil | 8 | | |
| Marsha Reddell 6 | 150 | | |
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| TOTAL | 2,160 | | |

| | |
|---|---|
| TOTAL MATCHING SHARE FOR THE MONTH | $ 2,160 |
| RECIPIENT MATCHING SHARE THROUGH THE PRIOR MONTH | $ 17,407 |
| TOTAL RECIPIENT MATCHING SHARE TO DATE | $ 19,567 |

## Summary
## Monthly Recording of Group's Matching Contribution

Month APRIL

Year 2003

| Member | In-kind | Cash Expenditure | Total |
|---|---|---|---|
| Rachel Conn | | | |
| Hope Buechler 2 | 50 | | |
| Taylor Streit 6 | 150 | | |
| Carlos Herrera | | | |
| Brooke Tatum | | | |
| Karen Douglas 11.75 | 293.75 | | |
| David Douglas | 442.50 | | |
| Robert Vigil | | | |
| Marsha Reddell | | | |
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| TOTAL | $936.25 | | |

| | |
|---|---|
| TOTAL MATCHING SHARE FOR THE MONTH | $ 936.25 |
| RECIPIENT MATCHING SHARE THROUGH THE PRIOR MONTH | $ 16,470.75 |
| TOTAL RECIPIENT MATCHING SHARE TO DATE | $ 17,407 |

# INVOICE for SERVICES

Date: April 30, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

Consulting services from S. Blodgett for April 2003

| Date | Task Description | Hours | Rate / hr | Total |
|---|---|---|---|---|
| 2-Apr-03 | Review ATSDR report | 1.00 | $50.00 | $ 50.00 |
| 3-Apr-03 | Review ATSDR report | 1.00 | $50.00 | $ 50.00 |
| 5-Apr-03 | Draft comments on ATSDR report | 1.00 | $50.00 | $ 50.00 |
| 6-Apr-03 | Draft comments on ATSDR report | 2.00 | $50.00 | $100.00 |
| 9-Apr-03 | Draft comments on ATSDR report | 4.00 | $50.00 | $ 200.00 |
| 18-Apr-03 | Review press clippings; revise draft comments on ATSDR report | 2.00 | $50.00 | $ 100.00 |
| 20-Apr-03 | Revise draft comments on ATSDR report | 1.00 | $50.00 | $ 50.00 |
| | **Total** | 12.00 | | $ 600.00 |

**RCRC - Travel Expenses**

| | | |
|---|---|---|
| **RCRC - Travel Expenses - Subtotal** | | $0.00 |
| | 12.00 | $600.00 |

pd 6/24/03
CK # 1008

## Summary
## Monthly Recording of Group's Matching Contribution

Month March

Year 2003

| Member | | In-kind | Cash Expenditure | Total |
|---|---|---|---|---|
| Rachel Gann | – | Q | | |
| Hope Buechler | 5.25 | $131.25 | | |
| Taylor Streit | 6 | 150 – | | |
| Carlos Herrera | – | Q | | |
| Brooke Tatum | – | Q | | |
| Karen Douglas | 32.75 | 818.75 | | |
| David Douglas | | 772.50 | | |
| Robert Vigil | – | Q | | |
| Marsha Reddell | 37.5 | 937.50 | | |
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| TOTAL | | $2,810 – | | |

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|---|---|
| TOTAL MATCHING SHARE FOR THE MONTH | $ 2,810 |
| RECIPIENT MATCHING SHARE THROUGH THE PRIOR MONTH | $ 13,660.75 |
| TOTAL RECIPIENT MATCHING SHARE TO DATE | $ 16,470.75 |

# INVOICE for SERVICES

Date: March 31, 2003

To: Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

From: S. Blodgett
P.O. Box 237
Socorro, NM 87801-0237

Consulting services from S. Blodgett for March 2003

| Date | Task Description | Hours | Rate / hr | Total |
|---|---|---|---|---|
| 17-Mar-03 | Read e-mails from RCRC Board members re: ATSDR report | 0.5 | $50.00 | $ 25.00 |
| 18-Mar-03 | Read e-mails from RCRC Board members re: ATSDR report | 0.5 | $50.00 | $ 25.00 |
| 19-Mar-03 | Read e-mails from RCRC Board members re: ATSDR report, "conflict of interest" | 0.5 | $50.00 | $ 25.00 |
| 20-Mar-03 | :o e-mails from RCRC Board members re: ATSDR report, "conflict of interest" | 0.50 | $50.00 | $25.00 |
| 23-Mar-03 | Read and respond to e-mails from RCRC Board members re: ATSDR report, "conflict of interest" | 0.50 | $50.00 | $ 25.00 |
| 24-Mar-03 | Read and respond to e-mails from RCRC Board members re: ATSDR report | 0.50 | $50.00 | $ 25.00 |
| 25-Mar-03 | Read and respond to e-mails from RCRC Board members re: ATSDR report | 0.50 | $50.00 | $ 25.00 |
| 26-Mar-03 | Read e-mails from RCRC Board members re: ATSDR report | 0.50 | $50.00 | $ 25.00 |
| 31-Mar-03 | Review ATSDR report | 1.00 | $50.00 | $ 50.00 |
| | **Total** | 5.00 | | $ 250.00 |

**RCRC - Travel Expenses**

**RCRC - Travel Expenses - Subtotal** $0.00

5.00 $250.00

**Invoice Total / Please Remit:** **$250.00** ✓

*Please make check payable to: Steve Blodgett (SSN 358-36-6124)*

TA-Blodgett $250.
TA-Azurite 750.
Nicholson 295.
$1,295

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

April 7, 2003

Rio Colorado Reclamation Committee
Patrick Nickleson, Program Administrator
P. O. Box 637
Questa, NM 87556

RE: INVOICE FOR SERVICES RENDERED, MARCH, 2003

11-March-03 Document review—An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico, 7 hours @ 50 ..... $350.00

13-March-03 Data review—water chemistry results, Red River, NM, Synoptic Sampling During Low-Flow (2001) and Snowmelt (2002) Tracer Studies, 4 hours @ 50 ..... $200.00

27-March-03 Document review—Draft-final Molycorp Remedial Investigation/Feasibility Study Work Plan, Molycorp Superfund Site, Questa, NM, dated 7-11-02, Prepared by URS Corporation, 4 hours @ 50..... $200.00

Total this Invoice..... $750.00

Please Remit To:

Azurite, Inc.
PO Box 338
Cotopaxi, CO 81223

Thank You!

# Invoice for Services

April 29, 2003

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Invoice for grant administration services from Patrick Nicholson
February 12, 2003 to March 31, 2003

| Date | Task Description | Hours | Rate | Total |
|---|---|---|---|---|
| 2/12/03 | Position orientation; discussion of responsibilities and tasks; review of documents and reporting requirements. | 1.5 | $20 | $30 |
| 2/19/03 | Review of grant and organization documents. | 2.25 | $20 | $45 |
| 2/26/03 | RCRC Board Mtg. and Community Mtg. | 4 | $20 | $80 |
| 3/10/03 | Read RCRC e-mails | 1 | $20 | $20 |
| 3/12/03 | Read & reply to RCRC e-mails | 1 | $20 | $20 |
| 3/18/03 | Quarterly report prep; phone calls | 2 | $20 | $40 |
| 3/25/03 | Document review and financial reporting prep. | 1 | $20 | $20 |
| 3/26/03 | Mtg. with Board Members on finances and Q. report | 2 | $20 | $40 |
| Total | | 14.75 | $20 | $295 |
| **Invoice Total** | | | | **$295** √ |

Please remit to:

Patrick Nicholson
6459 NDCBU
Taos, NM 87571

## Summary
## Monthly Recording of Group's Matching Contribution

Month February

Year 2003

| Member | | In-kind | Cash Expenditure | Total |
|---|---|---|---|---|
| Rachel Conn | – | – | | |
| Hope Buechler | 5.5 | $137.50 | | |
| Taylor Streit | 6 | $150 | | |
| Carlos Herrera | 8 | $200 | | |
| Brooke Tatum | – | – | | |
| Karen Douglas | 13.75 | 343.75 | | |
| David Douglas | | $610 | | |
| Robert Vigil | – | – | | |
| Marsha Reddell | 37.5 | 937.5 | | |
| | | | | |
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| | | | | |
| TOTAL | | $2,378.75 | | |

| | |
|---|---|
| TOTAL MATCHING SHARE FOR THE MONTH | $ 2,378.75 |
| RECIPIENT MATCHING SHARE THROUGH THE PRIOR MONTH | $ 11,282.50 |
| TOTAL RECIPIENT MATCHING SHARE TO DATE | $ 13,660.75 |

Rio Colorado Reclamation Committee

## Summary
## Monthly Recording of Group's Matching Contribution

Month December

Year 2002

| Member | Hrs | In-kind | Cash Expenditure | Total |
|---|---|---|---|---|
| Rachel Conn | 9 | $ 225 – | – | 225 – |
| Hope Buechler | 19.5 | 487.5 | | 487.50 |
| Taylor Streit | – | – | | – |
| Carlos Herrera | 11.5 | 287.50 | | 287.50 |
| Brooke Tatum | 4 | 100 – | | 100 – |
| Karen Douglas | 8.5 | 212.50 | | 212.50 |
| David Douglas | 4 | 100 – | | 100 – |
| Robert Vigil | 6 | 150 – | | 150 – |
| Marsha Reddell | 21.25 | 531.25 | | 531.25 |
| | | | | |
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| | | | | |
| | | | | |
| TOTAL | | | | |

| | |
|---|---|
| TOTAL MATCHING SHARE FOR THE MONTH | $ 2,093.75 |
| RECIPIENT MATCHING SHARE THROUGH THE PRIOR MONTH | $ 7,618.75 |
| TOTAL RECIPIENT MATCHING SHARE TO DATE | $ 9,712.50 |

Rio Colorado Reclamation Committee

## Summary
## Monthly Recording of Group's Matching Contribution

Month NOVember

Year 2002

| Member | hrs | In-kind | Cash Expenditure | Total |
|---|---|---|---|---|
| Rachel Conn | 15.25 | 381.25 | — | 381.25 |
| Hope Buechler | 19 | 475 | | 475 |
| Taylor Streit | — | — | | — |
| Carlos Herrera | — | — | | — |
| Brooke Tatum | — | — | | — |
| Karen Douglas | 0.5 | 12.5 | | 12.5 |
| David Douglas | 23.75@25 40@50 | 2,593.75 | | 2,593.75 |
| Robert Vigil | 9.5 | 237.50 | | 237.50 |
| Marsha Reddell | 24 | 600 | | 600 |
| | | | | |
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| | | | | |
| TOTAL | | | | |

| | |
|---|---|
| TOTAL MATCHING SHARE FOR THE MONTH | $ 4300 |
| RECIPIENT MATCHING SHARE THROUGH THE PRIOR MONTH | $ 3,318.75 |
| TOTAL RECIPIENT MATCHING SHARE TO DATE | $ 7,618.75 |

Rio Colorado Reclamation Committee

## Summary
## Monthly Recording of Group's Matching Contribution

Month October

Year 2002

| Member | hrs | In-kind | Cash Expenditure | Total |
|---|---|---|---|---|
| Rachel Conn | 11.75 | 293.75 | — | 293.75 |
| Hope Buechler | 3.75 | 93.75 | | 93.75 |
| Taylor Streit | 2 | 50 | | 50 |
| Carlos Herrera | 2 | 50 | | 50 |
| Brooke Tatum | 4 | 100 | | 100 |
| Karen Douglas | 2.5 | 62.50 | | 62.50 |
| David Douglas | 11.75@25 13.25@50 | 956.25 | | 956.25 |
| Robert Vigil | 2 | 50 | | 50 |
| Marsha Rechdell | 12.75 | 318.75 | | 318.75 |
| | | | | |
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| TOTAL | | | | |

| | |
|---|---|
| TOTAL MATCHING SHARE FOR THE MONTH | $ 1,975 |
| RECIPIENT MATCHING SHARE THROUGH THE PRIOR MONTH | $ 1,343.75 |
| TOTAL RECIPIENT MATCHING SHARE TO DATE | $ 3,318.75 |

Brooke RCRC

UNITED STATES POSTAL SERVICE

***** WELCOME TO *****
TAOS MAIN POST OFFICE
TAOS, NM 87571-9998
10/23/02 04:21PM

| | | | |
|---|---|---|---|
| Store | USPS | Trans | 235 |
| Wkstn | sys5005 | Cashier | KSP8PN |
| Cashier's Name | | ANDREW | |
| Stock Unit Id | | WINDOWA | |
| PO Phone Number | | 505-758-2081 | |
| USPS # | | 3401500571 | |

1. 37c Warhol/20 SW 7.40

Subtotal 7.40
Total 7.40

Personal/ Business Check 7.40

Please call 1-800-ASK-USPS (1-800-275-8777) for USPS information or visit us on the web at www.usps.com. To order stamps by phone, call 1-800-Stamp24.
POSTAGE FOR LETTERS TO TA & GA APPLICANTS

Number of Items Sold: 1

Thank You
Please ~~come~~ again!

Pd-12/12/02 - CK. 00A

Brooke RCRC

UNITED STATES POSTAL SERVICE

***** WELCOME TO *****
TAOS MAIN POST OFFICE
TAOS, NM 87571-9998
10/22/02 04:20PM

| | | | |
|---|---|---|---|
| Store | USPS | Trans | 196 |
| Wkstn | sys5005 | Cashier | KSP8PN |
| Cashier's Name | | ANDREW | |
| Stock Unit Id | | WINDOWA | |
| PO Phone Number | | 505-758-2081 | |
| USPS # | | 3401500571 | |

1. Priority Mail 9.85
   Destination: 36067
   Weight: 4lb 5.90oz
   Postage Type: PVI
   Total Cost: 9.85
   Base Rate: 9.85
2. PVI Label(s) 0.49
   Value: .49
   Quantity: 1
3. 37c WmJourn/20 SW 7.40

Subtotal 17.74
Total 17.74

Personal/ Business Check 17.74

Please call 1-800-ASK-USPS (1-800-275-8777) for USPS information or visit us on the web at www.usps.com. To order stamps by phone, call 1-800-Stamp24.
POSTAGE FOR LETTERS TO TA & GA APPLICANTS

Number of Items Sold: 3

Thank You
Please ~~come~~ again!

PD 12/12/02 CK. 00A

$296.39

| Number | Credit Line | Cash or Credit Available | Days in Billing Cycle | Closing Date | Total Minimum Payment Due | Payment Due Date |
|---|---|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | 29 | 10/11/02 | [redacted] | 11/11/02 |

## OCTOBER 2002 STATEMENT

| Posting Date | Transaction Date | Reference Number | Card Type | Category | Transactions | Charges | Credits (CR) |
|---|---|---|---|---|---|---|---|
| **PAYMENTS AND CREDITS** | | | | | | | |
| 10/05 | | 4585 | MC | | PAYMENT - THANK YOU | | 250.00 CR |
| **PURCHASES AND ADJUSTMENTS** | | | | | | | |
| 09/17 | 09/16 | 4604 | MC | C | WM SUPERCENTER ALAMOSA CO | 77.77 | |
| 09/18 | 09/16 | 0034 | MC | C | SKI & BOW RACK INC PAGOSA SPRINGCO | 31.00 | |
| 09/25 | 09/23 | 9548 | MC | C | SOUTHWES5262719801687 DALLAS TX<br>CONN/RACHEL 02/09 ABQ/PHX RNDTRP LAS/ABQ | 185.00 | |
| 09/25 | 09/24 | 1729 | MC | C | ALBUQUERQUE PUBLISHING ALBUQUERQUE NM | 66.66 | |
| 10/01 | 09/29 | 4001 | MC | C | MCGUCKIN HARDWARE BOULDER CO | 88.99 | |
| 10/02 | 09/30 | 0056 | MC | C | C H I /BIONEERS 5059860366 NM | 65.00 | |
| 10/02 | 10/01 | 5234 | MC | C | TAOS SPA AND TENNIS CL TAOS NM | 52.43 | |
| 10/05 | 10/04 | 9644 | MC | C | ALBUQUERQUE PUBLISHING ALBUQUERQUE NM | 93.33 | |
| | | | | | **TOTAL FOR BILLING CYCLE FROM 09/13/2002 THROUGH 10/11/2002** | **$660.18** | **$250.00 CR** |

TAG GA|TA AD

TAG GA|TA AD

AS AGREED, THE NON-PROMOTIONAL APR'S
ON YOUR NEXT BILLING STATEMENT WILL BE:
BALANCE CAT A 11.99 %
BALANCE CAT B 11.99 %
BALANCE CAT C 11.99 %
BALANCE CAT D 11.99 %.

PAID 400.00 on 11/1/02

**IMPORTANT NEWS**

ENJOY THE CONVENIENCE AND FLEXIBILITY THE ENCLOSED CHECKS OFFER--
OR CONTACT US AT WWW.MBNACASH.COM OR 1-888-515-3308.

INVEST IN MBNA CD AND MONEY MARKET DEPOSIT ACCOUNTS. CALL 1-800-900-6702,
MON-FRI, 8 A.M.-8 P.M.; SAT 8-5 (EASTERN TIME). MEMBER FDIC.

VISIT WWW.MBNASHOPSAFE.COM -- THE SAFEST WAY TO SHOP ONLINE.

VISIT WWW.MBNANETACCESS.COM FOR UP-TO-THE-MINUTE ACCOUNT INFORMATION.

### SUMMARY OF TRANSACTIONS

| Previous Balance | (-) Payments and Credits | (+) Cash Advances | (+) Purchases and Adjustments | (+) Periodic Rate FINANCE CHARGES | (+) Transaction Fee FINANCE CHARGES | (=) New Balance Total |
|---|---|---|---|---|---|---|
| [redacted] | [redacted] | $0.00 | [redacted] | [redacted] | [redacted] | $[redacted] |

### TOTAL MINIMUM PAYMENT DUE

| | |
|---|---|
| Past Due Amount | $0.00 |
| Current Payment | $47.00 |
| Total Minimum Payment Due | $47.00 |

### FINANCE CHARGE SCHEDULE

| Category | Periodic Rate | Corresponding Annual Percentage Rate | Balance Subject to Finance Charge |
|---|---|---|---|
| Cash Advances | | | |
| A. BALANCE TRANSFERS, CHECKS | 0.010136% DLY | 3.70% | $0.00 |
| B. ATM, BANK | 0.041068% DLY | 14.99% | $0.00 |
| C. PURCHASES | 0.041068% DLY | 14.99% | [redacted] |

*FOR THIS BILLING PERIOD:*
**ANNUAL PERCENTAGE RATE** ..... 14.99%
*(Includes Periodic Rate and Transaction Fee Finance Charges.)*

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

### *FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY*

- For Customer Satisfaction and up to the minute automated information including, balance, available credit, payments received, payments due, due date, payment address information, or to request duplicate statements, call 1-800-626-2556.
- For TDD (Telecommunication Device for the Deaf) assistance, call 1-800-346-3178.
- Mail payments to: MBNA AMERICA, P.O. BOX 15019, WILMINGTON, DE 19886-5019.
- Billing rights are preserved only by written inquiry. Mail billing inquiries, using form on the back, and other inquiries to: MBNA AMERICA, P.O. BOX 15026, WILMINGTON, DE 19850-5026.

[redacted]

[redacted]

Check # 000


# K & G Services

HC 81, Box 6008
41 Quintana Road
Questa, NM 87556
Phone & Fax (505) 586-1795


# Invoice

| Date | Invoice # |
|---|---|
| 11/29/2002 | 20001077 |

| Bill To | Ship To |
|---|---|
| Marsha Reddell<br>P.O. Box 986<br>Questa, NM 87556 | Marsha Reddell<br>P.O. Box 986<br>Questa, NM 87556 |

| P.O. Number | Terms | Due Date | Ship | VIA |
|---|---|---|---|---|
| | COD | 11/29/2002 | 11/29/2002 | Hand Deliver |

| Quan. | Description | Price Each | Amount |
|---|---|---|---|
| 1 | 56K Fax Modem | 55.50 | 55.50T |

**Muchas gracias! Thank you very much!**

| | |
|---|---|
| Subtotal | $55.50 |
| Sales Tax (6.3125%) | $3.50 |
| Total | $59.00 |
| Payments/Credits | $0.00 |
| **Balance Due** | **$59.00** |

~~Karen~~ David Douglas
check # 1001

Sprint®

DAVID DOUGLAS
Account No: 505-586-2293-730R
For questions, call 1-888-361-8794



Activity through: JAN 28, 2003
Invoice Number: 01106381
Account Id: 0440341950

Sprint Summary of Charges For January

| | |
|---|---|
| Sprint Itemized Long Distance | |
| Direct Dialed Calls | 23.10 |
| Total Sprint Itemized Long Distance | 23.10 |
| Other Charges and Credits | |
| CARRIER UNIVERSAL SVC CHG | 2.22 |
| CARRIER PROPERTY TAX | .25 |
| Total Other Charges and Credits | 2.47 |
| Taxes | |
| Federal Tax | .76 |
| Surcharges | 1.09 |
| Total Taxes | 1.85 |
| Total Sprint Summary of Charges For January | $27.42 |

Sprint Itemized Long Distance

• Direct Dialed Calls
Domestic Calls

| | Date | Time | Place And Number Called | Type | Rate | Min | Amount |
|---|---|---|---|---|---|---|---|
| 1. | DEC 30 | 4:04P | To ROUND ROCK TX 512 244-3596 | Dirct | Day | 52.0 | 18.20 |
| 2. | JAN 01 | 3:55P | To AUSTIN TX 512 476-0028 | Dirct | Day | 14.0 | 4.90 |
| | Total Domestic Calls | | | 66.0 Minutes | | | 23.10 |

| | | |
|---|---|---|
| Total Direct Dialed Calls | 66.0 Minutes | 23.10 |
| Total Sprint Itemized Long Distance | | $23.10 |

*This portion of your bill is provided as a service to Sprint.*
*There is no connection between Qwest and Sprint.*

AUTOCR
DAVID DOUGLAS
4601 MONTANO RD
APT 116
ALBUQUERQUE NM 87120-2463

** R054

20030061540901 03

Qwest. Spirit of Service

Chec # 1002

UNITED STATES POSTAL SERVICE

***** WELCOME TO *****
TAOS MAIN POST OFFICE
TAOS, NM 87571-9998
02/18/03 11:58AM

| | | | |
|---|---|---|---|
| Store | USPS | Trans | 33 |
| Wkstn | sys5003 | Cashier | KH4Q4P |
| Cashier's Name | | ANNETTE | |
| Stock Unit Id | | WINANNETTE | |
| PO Phone Number | | 505-758-2081 | |
| USPS # | | 3401500571 | |

1. 7.40 Love Bk SW 44.40
   6 @ 7.40

| | |
|---|---|
| Subtotal | 44.40 |
| Total | 44.40 |

Personal/ Business Check 44.40

Please call 1-800-ASK-USPS (1-800-275-8777) for USPS information or visit us on the web at www.usps.com. To order stamps by phone, call 1-800-Stamp24.

Number of Items Sold: 6

Thank You
Please come again!

Rio Colorado Reclamation Committee

## Summary
## Monthly Recording of Group's Matching Contribution

Month January

Year 2003

| Member | Hrs | In-kind | Cash Expenditure | Total |
|---|---|---|---|---|
| Rachel Conn | — | | | |
| Hope Buechler | 3 | $75 | | |
| Taylor Streit | 5 | $125 | | |
| Carlos Herrera | — | | | |
| Brooke Tatum | — | | | |
| Karen Douglas | 4.5 | $112.50 | | |
| David Douglas | | $957.50 | | |
| Robert Vigil | — | | | |
| Marsha Rodbell | 12 | $300 | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | | $1,570 | | |

| | |
|---|---|
| TOTAL MATCHING SHARE FOR THE MONTH | $ 1,570 |
| RECIPIENT MATCHING SHARE THROUGH THE PRIOR MONTH | $ 9,712.50 |
| TOTAL RECIPIENT MATCHING SHARE TO DATE | $ 11,282.5 |

PEOPLES NATIONAL BANK C/A
219 PASEO DEL PUEBLO NORTE
TAOS, NM 87571
(505) 758-4211
CASH ADVANCE

E.5463040002280244 0001

DATE 11/15/02 TIME 04:01 PM

ITEM: 001 CASH ADVANCE $100.00
ACCT: 5327041942436440 0403
CARD: MC
RESP: AUTH/TKT 025573

12045373
DRIVER'S LICENSE OR ID. NUMBER

278 Stak Rd 150
CUSTOMER STREET ADDRESS

Arroyo Seco NM 87514
CITY, STATE, ZIP CODE

PRE-PRINTED BIN (VISA ONLY)

TELLER INITIALS

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)

X Hope Buechler
SIGNATURE

TOP COPY-MERCHANT BOTTOM COPY-CUSTOMER

Sent to EPA 11/19/02

DEPOSIT TICKET

95-449/1070

CASH ▼

To the Colorado Roadmaster Conn Cash action 11-18-2002

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT

DATE
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

SIGN HERE FOR CASH RECEIVED (IF REQUIRED)

RECEIPT

PEOPLES BANK
TAOS

DEPOSIT COPY

| | | | | |
|---|---|---|---|---|
| | | | 100 00 | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Deposit $ 100.00

Cash Received $ 100.00

Transit/Routing 3072

11/15/02

15:33:29

⑆107004491⑆ 20209805⑈ 25

Sent to EPA 11/19

# Invoice

High Country Foundation 2002
P.O. Box 1090
Paonia, CO
81428

| DATE | NUMBER |
|---|---|
| 10/14/2002 | 1677 |

| BILL TO | Acct # |
|---|---|
| Rio Colorado Reclamation Committee<br>PO Box 637<br>Questa, NM 87556 | |

FEIN 23-7015336

| TERMS |
|---|
| Net 30 |

| ITEM | DESCRIPTION | QTY | RATE | AMOUNT |
|---|---|---|---|---|
| Classified Ad - p... | Classified Ad "Solicitation for..." Tech Ad 10/14/02 | 81 | 0.65 | 52.65 |
| Web Ad - pre pub | Web site classified ad "Solicitation for..." Tech Ad 10/14/02 | 1 | 7.8975 | 7.90 |
| Classified Ad - p... | Classified Ad "Solicitation for Grant Admin..." 10/14/02 | 37 | 0.65 | 24.05 |
| Web Ad - pre pub | Web site classified ad "Solicitation for Grant Admin..." 10/14/02 | 1 | 3.6075 | 3.61 |
| | Non-taxable item | | 0.00% | 0.00 |

PAID $88.21 on 11/12/02

Please make checks payable to 'High Country News'.
Please include invoice # on check.

**Total** $88.21

Questions, Please Call (970)527-4898

PEOPLES NATIONAL BANK C/A
219 PASEO DEL PUEBLO NORTE
TAOS, NM 87571
(505) 758-4211
CASH ADVANCE

E.546304002200244 0001

DATE 11/15/02 TIME 04:01 PM

ITEM: 001 CASH ADVANCE $100.00
ACCT: 532904194245644 0 0403
CARD: MC
RESP: AUTH/TKT 025573

120486373
DRIVER'S LICENSE OR ID. NUMBER

278 State Rd 150
CUSTOMER STREET ADDRESS

Arroyo Seco NM 87514
CITY, STATE, ZIP CODE

PRE-PRINTED BIN (VISA ONLY)

TELLER INITIALS

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)

X Rose Buechler
SIGNATURE

TOP COPY-MERCHANT BOTTOM COPY-CUSTOMER

Sent to EPA 11/19/02

DEPOSIT TICKET
CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.

The Rio Colorado Reclamation Comm cash advance 11-18-2002

DATE
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

SIGN HERE FOR CASH RECEIVED (IF REQUIRED)

PEOPLES BANK
TAOS

RECEIPT
Number: 3072
Transit: 16
11/15/02
15:33:28
$100.00

DEPOSIT
COPY
$ 100.00

CASH
95-449/1070

100 00

⑈0700449⑈ ⑆2020980⑆ 25

11/15/02 $100.00
To open Bank for EFT.
10/14/02 Newold 88.21
11/12/02 " 94.35
$282.56

37

Sent to EDA
11/19/02

# The Taos News

P.O. Box U • Taos, NM 87571
Ph: (505) 758-2241 Fax: 758-9647

THANK YOU FOR
YOUR BUSINESS!

Rachel Conn
RCRC
P.O. Box 637
QUESTA, NM 87556

PAID 94.35
on 11/12/02
check # 1134

| DATE OF INVOICE | SALES PERSON | CUSTOMER NUMBER | DUE DATE |
|---|---|---|---|
| 10/03/02 | Sandra Martinez | 01101430 | 10/30/02 |

| AD# | TEXT | CLASS | START | STOP | RUNS | AMOUNT | PREPAID | DUE |
|---|---|---|---|---|---|---|---|---|
| 03527252 | Solicitation for | 630 | 10/03/02 | 10/03/02 | 1 | 63.28 | 0.00 | 63.28 |
| 03527253 | Solicitation for Grant | 630 | 10/03/02 | 10/03/02 | 1 | 31.07 | 0.00 | 31.07 |

**PLEASE PAY FROM THIS INVOICE**

TOTAL DUE → 94.35

Return REMITTANCE COPY with payment.

PLEASE MAKE CHECKS PAYABLE TO:
The Taos News
P.O. Box U • Taos, NM 87571

Shenandoah West • Albuquerque, New Mexico • (505) 821-4050

STAPLES

that was easy.

Low prices. Every item. Every day.
110% Price-Match. Guaranteed.
5201 Ouray NW
Albuquerque, NM 87120
(505) 833-1600

SALE 525573 10 002 50056
1318 08/15/03 04:25

QTY SKU OUR PRICE

REWARDS NUMBER 2634933788

48 B&W SELF SERVE ECO
380979 0.050ea 2.40
SUBTOTAL 2.40
Standard Tax 5.81% 0.14
TOTAL $2.54

Cash 5.00

Cash Change 2.46

TOTAL ITEMS 48

Compare and Save
with Staples-brand products.

THANK YOU FOR SHOPPING AT STAPLES !

Receipt 10/14/03

---

OfficeMax #638
Cottonwood Corners 3731-A Ellison Dr NW
Albuquerque, NM 87114 (505)897-9275
Enter/Win www.officemax.com/store/survey

0638 00006 60506 6 08/26/03
SALE 504363 11:16 AM

* CUSTOMER COPY *

CHARGE CARD

| | | | |
|---|---|---|---|
| 2 | ITEMS | SUBTOTAL | 9.20 |
| 9.20 NM | | TAX 5.812% | 0.54 |
| | | TOTAL | $9.74 |
| XXXXXXXXXXXX5500 | | VISA | 9.74 |

CARDHOLDER: KAREN R DOUGLAS

22446556

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT

CompUSA #274, Phone 505-830-1330
4610 Cutler Av NE Albuquerque NM 87110

273435
EPSO T009201 COLOR 29.99 T
273434
EPSO T007201 SP780 24.99 T
**** TAX 3.20 BAL 58.18
VF VISA 58.18
Acct# ************2108
Expiration Date: 10/03
Authorization # 538541
Sequence #1105

1/3

CHANGE .00

only charged for one third of this receipt 19.37

---

office supplies #1014 $42.81

STAPLES

that was easy.

Low prices. Every item. Every day.
110% Price-Match. Guaranteed.
10242 Coors Bypass Blvd. N.W.
Albuquerque, NM 87114
(505) 890-8822

SALE 450980 3 005 33297
0780 08/26/03 11:12

QTY SKU OUR PRICE

REWARDS NUMBER 2634933788

211 B&W SELF SERVE ECO
380979 0.050ea 10.55
SUBTOTAL 10.55
Standard Tax 5.81% 0.61
TOTAL $11.16

Cash 15.01

Cash Change 3.85

TOTAL ITEMS 211

Compare and Save
with Staples-brand products.

THANK YOU FOR SHOPPING AT STAPLES !

11.16
9.74
2.54
23.44 – copies
19.37
42.81

$42.81

Sent to the EPA on 11/19/02

Rio Colorado Reclamation Committee

## Summary
## Monthly Recording of Group's Matching Contribution

Month September

Year 2002

| Member | In-kind | Cash Expenditure | Total |
|---|---|---|---|
| Hope Buechler 8.25 hours | 206.25 | — | 206.25 |
| Roberto Vigil 4.75 hours | 118.75 | | 118.75 |
| Taylor Streit 3.0 hours | 75.00 | | 75.00 |
| Carlos Herrera 2.75 hours | 68.75 | | 68.75 |
| Brooke Tatum 4.75 hours | 118.75 | | 118.75 |
| Karen Douglas 5.00 hours | 125.00 | | 125.00 |
| Rachel Conn 8.50 hours | 212.50 | | 212.50 |
| David Douglas 6.75 at 25.00 2.00 at 50.00 | 418.75 | | 418.75 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | | | |

| | |
|---|---|
| TOTAL MATCHING SHARE FOR THE MONTH | $ 1343.75 |
| RECIPIENT MATCHING SHARE THROUGH THE PRIOR MONTH | $ 0 |
| TOTAL RECIPIENT MATCHING SHARE TO DATE | $1343.75 |

**FACSIMILE TRANSMITTAL**

**U.S. EPA REGION 6**
**SUPERFUND DIVISION**
**1445 ROSS AVENUE**
**DALLAS, TEXAS 75202-2733**

| | |
|---|---|
| **TO:** Anedia Feaster, Las Vegas Financial Center | |
| **MACHINE NUMBER:** 702-798-2423 | **VERIFICATION NUMBER:** (702)798-2411 |
| **FROM:** Beverly Negri, TAG Project Officer | |
| **PHONE:** 214-665-8157 | **MAIL CODE:** 6SF-PO |
| **OFFICE:** US EPA, Region 6, Dallas, TX | |
| **DATE:** 2/2/06 | **PAGES, INCLUDING COVER SHEET:** 2 |
| **PLEASE NUMBER ALL PAGES** | |
| INFORMATION FOR SENDING FACSIMILE MESSAGES | |
| OUR EQUIPMENT | FACSIMILE NUMBER |
| PANAFAX UF-766 | (214) 665-6660 |

Reimbursement Request for:

Grant No. 1-98687101

Final Status Report

Copies to:

On line 2/2/06, 11:37am.
ZJh

**Technical Advisor Contract**

RECEIVED
EPA REGION VI
1: 12
PROGRAMS MGMT BRANCH

This contract is entered into this (date) of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Azurite Inc. and Steve Blodgett (hereafter referred to as "contractor").

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## I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

### A. Purpose:

The Rio Colorado Reclamation Committee (RCRC) is entering into this contract with Azurite Inc. and Steve Blodgett who will provide the services of co-technical advisors and assist in the review and analysis of remedial activities at the Molycorp mine site.

### B. Contractual Period and General Statement of Duties:

This contract will cover a 21 month period. This contract may be renewed, at the option of the RCRC, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but it is not to exceed ten years. If the RCRC desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 60 days prior to the expiration of the present term.

The co-technical advisors will assist RCRC members in interpreting documents generated throughout the remedial investigation / feasibility study (RI/FS) process at the Molycorp mine site. The advisors also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that RCRC members and the impacted community are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

### C. Specific Contractor Tasks:

1. The contractor will assist with reviewing, commenting on, and interpreting documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report. The contractor will produce or co-produce concise summary reports or memos for each major document generated during the RI process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done. Copies of all reports and summaries will also be sent to the EPA.

reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 4

Total time for Task 4 from February 2003-September 2004= 50 hours

Ken Klco-- 50 hours

5. Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site. The contractor will prepare or co-prepare written comments on the ROD on behalf of the RCRC. The contractor will also provide oral comments at the RCRC meetings. Copies of all reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 5

Total time for TA to spend on Task 5= 40 hours

Ken Klco-- 20 hours

Steve Blodgett-- 20 hours

6. The contractor will consult with the RCRC board of directors and other Technical Advisors retained by RCRC to make sure that the above listed tasks are completed.

*Charges for Task 6 will be Included In billings for Tasks 1-5 above.*

**D. Reports**

The contractors will submit the following reports

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1) Progress Reports:

The Contractors shall submit quarterly progress reports to the RCRC. These reports shall contain the following information summarizing the activities undertaken to date by the Contractors:

a) hours worked, categorized by the Statement of Work tasks;
b) dollars spent by task and total dollars spent for the reporting period;
c) a summary description of activities;
d) a copy of any written materials prepared during the reporting period, if such written materials are required to be submitted to RCRC by the Statement of Work tasks that have not been previously submitted; and

e) an identification of any outstanding concerns about the Molycorp mine site and impacted area which may impact the cleanup process and have not yet been addressed.

RCRC and the Contractor shall confer and agree on schedules for submission, review and revision, if revision is necessary, of quarterly progress reports.

2) Final Report:

Within 60 days of the end of the contract, the Contractor shall prepare and submit to RCRC, for its review and approval, a final report that shall describe all activities undertaken under the contract and discuss their effectiveness in meeting the purpose of the contract. The RCRC shall review the final report and may require revisions. Upon receipt of the RCRC revisions, the Contractor shall incorporate any revisions necessary and resubmit the final report within 30 days.

**E. Technical Direction and Acceptance:**

The RCRC appoints Mr Roberto Vigil, President, as the overall manager for this contract. He is the only person authorized by RCRC to amend this contract, negotiate changes, receive reports, and accept any other deliverables. The contractor must not incur costs at the direction of anyone else; otherwise RCRC shall not be liable for these costs.

**II. PAYMENT**

**A.** The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 50 dollars per labor hour which shall include overhead, general and administrative costs, and any allowed fee or profit.

**B.** Reimbursement for Other Direct Costs, not to exceed [redacted] shall be at the following rates:

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |
| 7. Lodging and Per Diem expense | (charged at the government rate) |
| 8. Other travel expenses | at cost |

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9. Miles driven for RCRC functions (charged at the government rate)

Travel rates shall be limited to approved federal reimbursement rates.
(These rates can be found in 41 CFR 301-304.)

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

[redacted]

(Forty Three Thousand dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

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### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. Orginal receipts for all expenses must accompany each invoice for reimbursement. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

The RCRC is limited under the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.

### B. Final Invoice

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

### A. Supersession

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

### B. Privity of Contract

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

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### C. Termination

1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

2) This contract may be terminated in whole or in part, in writing, by RCRC for it's convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

   The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice

directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

**D. Remedies**

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Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

**E. Audit - Access to Records**

1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

2) If this is a formally advertised, competitively awarded, fixed-price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

3) Audits conducted under this provision shall be in accordance with generally accepted

auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:
   a) To the extent the records pertain directly to contract performance.

   b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

   c) If the contract is terminated for default or for convenience

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**F. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

**G. Gratuities**

1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

2) In the event this contract is terminated as provided in paragraph 1), the RCRC

may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

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**H. Responsibility of the Contractor**

1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review, approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to RCRC or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to RCRC, RCRC-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that RCRC may have against the contractor for faulty materials, equipment, or work.

**I. Final Payment**

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

**J. Conflict of Interest**

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

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3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

5) The contractor further agrees to insert into any such subcontract or consulting agreement hereunder provisions that shall conform substantially to the language of this Agreement.

**K. Personal Conflict of Interest**

1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity

of the employee, subcontractor employee, or consultant in performing the work.

3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

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**L. Independent Contractor**

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

**M. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government because then they would be reviewing their own work.

Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

Reopening final EPA decisions or conducting disputes with EPA.

**N. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

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**O. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signature**

Ken Kl co
Azurite Inc.

3/6/03
Date

Steve Blodgett

3/6/03
Date

RCRC

3-6-03
Date

RCRC

3-6-03
Date

# Grant Administrator Contract

2/13/03 (Roberto Vigil, RCRC

RECEIVED
EPA REGION VI
03 MAR 26 PM 1:12
PROGRAMS MGMT BRANCH

This contract is entered into this (date) of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Patrick Nicholson (hereafter referred to as "contractor").

## I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

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### A. Purpose:

The Rio Colorado Reclamation Committee is entering into this contract with Patrick Nicholson who will provide the services of a grant administrator. The grant administrator will assist RCRC members in administering the Technical Assistance Grant ID # 1-98687101-0 from the Federal Environmental Protection Agency. The administrator will help members fulfill the reporting requirements for the TAG.

### B. Contractual Period and General Statement of Duties:

This contract will cover an 21 month period. This contract may be renewed, at the option of the RCRC, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but it is not to exceed ten years. If the RCRC desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 60 days prior to the expiration of the present term.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

### C. Specific Contractor Tasks:

Time allocation: 210 hours (30 hours a quarter)

a. The contractor will keep track of in-kind contributions, track expenses,.
b. Submit monthly to quarterly reimbursement requests to the EPA.
c. Submit quarterly progress reports to the EPA.
d. Assist with the writing and editing of RCRCs quarterly newsletter.

### D. Technical Direction and Acceptance:

The RCRC appoints Mr Roberto Vigil, President, as the overall manager for this contract. He is the only person authorized by RCRC to amend this contract, negotiate changes, receive reports, and accept any other deliverables. The contractor must not incur costs at the direction of anyone else; otherwise RCRC shall not be liable for these costs.

# 20/hr

## II. PAYMENT

**A.** The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 20 dollars per labor hour, which shall include overhead, general and administrative costs, and any allowed fee or profit.

**B.** Reimbursement for Other Direct Costs, not to exceed $800.00, shall be at the following rates:

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |

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**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

5,000

(Five Thousand Dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

**A. Standard Invoice System:**

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

The RCRC is limited under the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.

**B. Final Invoice**

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The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

### A. Supersession

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

### B. Privity of Contract

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

### C. Termination

1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

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2) This contract may be terminated in whole or in part, in writing, by the RCRC for its convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

   The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in

paragraph (c) of this clause.

**D. Remedies**

Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

**F. Audit - Access to Records**

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1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

   The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

2) If this is a formally advertised, competitively awarded, fixed-price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

3) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

5) Access to records is not limited to the required retention periods. The authorized

representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:
   a) To the extent the records pertain directly to contract performance.

   b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

   c) If the contract is terminated for default or for convenience

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**G. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

**H. Gratuities**

1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

2) In the event this contract is terminated as provided in paragraph 1), the RCRC may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary

damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

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## I. Responsibility of the Contractor

1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review, approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to the Coalition or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to the Coalition, Coalition-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that the Coalition may have against the contractor for faulty materials, equipment, or work.

## J. Final Payment

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final

payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

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**K. Conflict of Interest**

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

**L. Personal Conflict of Interest**

1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this

contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

**M. Independent Contractor**

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The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

**N. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government or any other entity.

Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split

sampling.

Reopening final EPA decisions or conducting disputes with EPA.

**O. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

**P. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signatures**

CONFIDENTIAL

Patrick Nicholson — Date: 2/12/03

Rachel Conn
RCRC — Date: 2/12/03

RCRC — Date: 2/13/03

# FINANCIAL STATUS REPORT

*(Short Form)*

*(Follow instructions on the back)*

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| 1. Federal Agency and Organizational Element to Which Report is Submitted | 2. Federal Grant or Other Identifying Number Assigned By Federal Agency | OMB Approval No. | Page of pages |
|---|---|---|---|
| US EPA | 1-98687101-0 | 0348-0038 | |

3. Recipient Organization (Name and complete address, including ZIP code)
Rio Colorado Reclamation Committee
P.O. Box 637 Questa, NM 87556

| 4. Employer Identification Number | 5. Recipient Account Number or Identifying Number | 6. Final Report | 7. Basis |
|---|---|---|---|
| | 06DL600 | ☑ Yes ☐ No | ☐ Cash ☐ Accrual |

| 8. Funding/Grant Period *(See instructions)* From: (Month, Day, Year) | To: (Month, Day, Year) | 9. Period Covered by this Report From: (Month, Day, Year) | To: (Month, Day, Year) |
|---|---|---|---|
| 10/1/02 | 9/30/05 | 1/1/05 | 9/30/05 |

| 10. Transactions: | I Previously Reported | II This Period | III Cumulative |
|---|---|---|---|
| a. Total outlays | 38,596.08 | 18,349.67 | 56,945.75 |
| b. Recipient share of outlays | 7,118.46 | 3,058.28 | 10,176.74 |
| c. Federal share of outlays | 31,477.62 | 15,291.39 | 46,769.01 |
| d. Total unliquidated obligations | | | Ø |
| e. Recipient share of unliquidated obligations | | | Ø |
| f. Federal share of unliquidated obligations | | | Ø |
| g. Total Federal share *(Sum of lines c and f)* | | | 46,769.01 |
| h. Total Federal funds authorized for this funding period | | | 50,000 |
| i. Unobligated balance of Federal funds *(Line h minus line g)* | | | 3,230.99 |

| 11. Indirect Expense | a. Type of Rate *(Place "X" in appropriate box)* ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed | | | |
|---|---|---|---|---|
| | b. Rate | c. Base | d. Total Amount | e. Federal Share |
| | | | | |

12. *Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. Certification: **I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.**

| Typed or Printed Name and Title | Telephone (Area code, number and extension) |
|---|---|
| Rachel Conn, Program Director | 505.770.8327 |
| **Signature of Authorized Certifying Official** | **Date Report Submitted** |
| Rachel Conn | 12/21/05 |

NSN 7540-01-218-4387 269-202 Standard Form 269A (Rev 7-97)
Prescribed by OMB Circulars A-102 and A-110

2/1/06 Original to MBE Coordinator

# FINANCIAL STATUS REPORT

*(Short Form)*

*(Follow instructions on the back)*

| 1. Federal Agency and Organizational Element to Which Report is Submitted | 2. Federal Grant or Other Identifying Number Assigned By Federal Agency | OMB Approval No. 0348-0038 | Page of pages |
|---|---|---|---|
| | - 98687101-0 | | |

3. Recipient Organization (Name and complete address, including ZIP code)

Rio Colorado Reclamation Committee

| 4. Employer Identification Number | 5. Recipient Account Number or Identifying Number | 6. Final Report ☐ Yes ☑ No | 7. Basis ☐ Cash ☐ Accrual |
|---|---|---|---|
| | | | |

| 8. Funding/Grant Period *(See instructions)* From: (Month, Day, Year) | To: (Month, Day, Year) | 9. Period Covered by this Report From: (Month, Day, Year) | To: (Month, Day, Year) |
|---|---|---|---|
| 10/1/2002 | 9/30/2005 | 1/1/04 | 12/31/2004 |

| 10. Transactions: | I Previously Reported | II This Period | III Cumulative |
|---|---|---|---|
| a. Total outlays | 20,573.33 | 18,022.75 | 38,596.08 |
| b. Recipient share of outlays | 4,114.67 | 3,003.79 | 7,118.46 |
| c. Federal share of outlays | 16,458.66 | 15,018.96 | 31,477.62 |
| d. Total unliquidated obligations | | | Ø |
| e. Recipient share of unliquidated obligations | | | Ø |
| f. Federal share of unliquidated obligations | | | Ø |
| g. Total Federal share *(Sum of lines c and f)* | | | 31,477.62 |
| h. Total Federal funds authorized for this funding period | | | 50,000.00 |
| i. Unobligated balance of Federal funds *(Line h minus line g)* | | | 18,522.38 |

| 11. Indirect Expense | a. Type of Rate *(Place "X" in appropriate box)* ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed | | | |
|---|---|---|---|---|
| | b. Rate | c. Base | d. Total Amount | e. Federal Share |
| | | | | |

12. *Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. Certification: **I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.**

| Typed or Printed Name and Title | Telephone (Area code, number and extension) |
|---|---|
| Rachel Conn, Program Director | 505.770.8327 |
| **Signature of Authorized Certifying Official** | **Date Report Submitted** |
| Rachel Conn | 12/31/04 |

NSN 7540-01-218-4387 269-202 Standard Form 269A (Rev. 7-97)

Prescribed by OMB Circulars A-102 and A-11

# FINANCIAL STATUS REPORT
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| 1. Federal Agency and Organizational Element to Which Report is Submitted | 2. Federal Grant or Other Identifying Number Assigned By Federal Agency | OMB Approval No. | Page of |
|---|---|---|---|
| | 1-98687101-0 | 0348-0039 | pages |

3. Recipient Organization (Name and complete address, including ZIP code)

Rio Colorado Reclamation Committee

| 4. Employer Identification Number | 5. Recipient Account Number or Identifying Number | 6. Final Report ☐ Yes ☐ No | 7. Basis ☐ Cash ☐ Accrual |
|---|---|---|---|
| | | | |

| 8. Funding/Grant Period *(See instructions)* From: (Month, Day, Year) | To: (Month, Day, Year) | 9. Period Covered by this Report From: (Month, Day, Year) | To: (Month, Day, Year) |
|---|---|---|---|
| 10/01/2003 | 9/30/2005 | 10/01/2002 | 12/31/2003 |

| 10. Transactions: | I Previously Reported | II This Period | III Cumulative |
|---|---|---|---|
| a. Total outlays | 0 | 20,573.33 | 20,573.33 |
| b. Recipient share of outlays | 0 | 4,114.67 | 4,114.67 |
| c. Federal share of outlays | 0 | 16,458.66 | 16,458.66 |
| d. Total unliquidated obligations | | | 0 |
| e. Recipient share of unliquidated obligations | | | 0 |
| f. Federal share of unliquidated obligations | | | 0 |
| g. Total Federal share *(Sum of lines c and f)* | | | 16,458.66 |
| h. Total Federal funds authorized for this funding period | | | 50,000.00 |
| i. Unobligated balance of Federal funds *(Line h minus line g)* | | | 33,541.34 |

| 11. Indirect Expense | a. Type of Rate *(Place "X" in appropriate box)* ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed | | | |
|---|---|---|---|---|
| | b. Rate | c. Base | d. Total Amount | e. Federal Share |
| | | | | |

12. *Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.

| Typed or Printed Name and Title | Telephone (Area code, number and extension) |
|---|---|
| Rachel Conn, Program Director | 719-672-0401 |
| **Signature of Authorized Certifying Official** | **Date Report Submitted** |
| Rachel Conn | 1/15/04 |

NSN 7540-01-218-4387 269-202 Standard Form 269A (Rev. 7-
Prescribed by OMB Circulars A-102 and A-

Original delivered to Grants 1/27/04.
zjh

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**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

September 29, 2005

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

END OF CONTRACT REPORT, 9-30-05, RCRC TECHNICAL ADVISOR

This End of Contract Report is intended to summarize work performed by Kenneth S. Klco, Technical Advisor for the Rio Colorado Reclamation Committee, under contract from February 2003 through September 2005.

**3rd and 4th Quarter 2003**

Technical Advisor activities during this time span included document review and meeting hours consumed regarding Red River water quality data, the Remedial Investigation Draft Sampling and Analysis Plan for Investigation of Historic Tailings Spills, and USGS/URS/Molycorp water chemistry studies presentations. During the summer of 2003, the TA met with community citizens concerned of past petrochemical and milling wastes handling practices at the Molycorp site and attempted to locate the general area(s) at the site on a map. Quarterly water quality data was reviewed for those areas within or downstream of affected mine-site sub-drainages. No apparent water quality impacts were discernable from the data thus far available for review. TA communications tasks included writing short summary reports for RCRC newsletters regarding aspects of the Remedial Investigation and Goat Hill slope stability updates. A September 24th community meeting attendance included a presentation regarding RI/FS and sampling plan concerns. In mid-September, a USGS technical session was attended and report filed with RCRC board members. In mid November, TA attended a water chemistry meeting at USGS offices in Lakewood, CO. Three studies regarding Red River water and sediment chemistry were presented and discussed, one by USGS researchers, one by a URS researcher, and one by Molycorp personnel. A summary of this meeting was filed with the RCRC board dated 1-26-2004. RCRC planning meetings in held in September allowed for access to board members and interested citizens over a three-day time span.

A fair percentage of offices hours were expended during the last half of 2003 in reviewing data.
There were at least six technical and community meetings held during the time frame addressing Goat Hill slope stability issues, USGS land and water studies, and the draft sampling plan for the Remedial Investigation. Community based meetings included RCRC board meetings, planning sessions, and general information meetings.

**1st Quarter 2004**

The TA attended a sixth progress report, given by USGS personnel at MMD headquarters in Santa Fe on January 22nd. This session was intended to bring stakeholders up to speed concerning 2003 field studies addressing alluvium-bedrock contact configurations along the Red River and the status of water balance studies and geochemical input estimations for pre-mining conditions. Although no studies were citable at the time of the sixth progress report, updates of status of the various studies and projected completion dates

included investigations on Red River geology, mineralogy, leachate tests, geomorphology, reactive-transport modeling, seismic studies, ground water field work updates, and water balance study.

The TA attended a Stability Review Committee meeting held at the mine site on January 29, 2005, intended to address subsidence issues related to underground mining operations that will express at the surface at various degree of impact depending on the surface topography and approximate location of the surface to projected underground mine operations. Underground mining operations may result in significant impacts to groundwater and surface water quality, due to fracturing of bedrock during subsidence and as yet unknown hillside slumping affects and/or slope instabilities expressed at the surface. Existing rock dumps (Sugar Shack West) may be impacted by subsidence. The Stability Review Committee met to discuss Molycorp's strategy to address the nature and extent of future subsidence and their potential impact(s) on ground water quality and overall site stability. The SRC also discussed the scope of involvement intended for the Stability Review Board, the three independent geotechnical specialists retained to review the Goat Hill Rockpile(s) stability issues and other sitewide evaluations of slope stability. Summary reports of the meetings mentioned above were drafted and submitted to the RCRC board members for comment and discussion.

Other 1st Quarter activities included attendance at a Technical Working Group meeting held at MMD offices in Santa Fe and participation at RCRC board meeting March 8th.

**2nd Quarter 2004**

April activities focused on review of Historic Spills Sampling Plan document and participation in Community meetings held to discuss the HSSP. TA worked with RCRC board members to draft letter of support for inclusion of tailings used as waterline bedding into the HSSP.

May work included two days of USGS Progress Report meetings in Sante Fe, NM, addressing the various geologic, hydrologic, and related watershed studies. A summary report was drafted and submitted to RCRC board members for review and discussion on June 20, 2005.

June activities included participation at a Questa Community Coalition meeting in Questa to review community concerns regarding past petroleum and mill chemical(s) disposal practices. The TA met with EPA and Molycorp personnel to discuss potential sample locations identify potential monitoring well priorities, and current water analysis results. TA also attended an EPA community meeting with informational presentations made by various investigators regarding fisheries, garden produce analysis, and benthic organism studies.

**3rd Quarter 2004**

No activity during July and August as Remedial Investigation sampling work continued in the field and no community meetings were held during this time frame. September work included review of the Agency for Toxic Substance and Disease Registry report for the Questa Superfund site, participation in community meetings addressing the report findings, and comments in writing and presented at the public meeting (9-23-04). TA also participated in a Technical Working Group meeting and site tour of the tailings facility, in lieu of proposals by Molycorp to modify the tailings facility work plan. The TA participated in an RCRC board meeting during the time of the ATSDR and TWG meetings to keep community personnel informed as to the proposed changes to the tailings facility work plan, discuss the ATSDR findings, and other areas of concern regarding the Remedial Investigation sampling plan. Tailings used for community waterline bedding was a subject of much concern. Office hours were consumed reviewing and commenting on the ATSDR report draft, Tailings Facility work plan proposal and site visit, and support to the RCRC in formulation of information for their quarterly bulletin.

**4th Quarter 2004**

Fourth Quarter activities included involvement with the process of evaluating the short-term stability and potential impact to underground water resource of the mine site rockpiles. A first Failure Mechanism Evaluation Analysis meeting was held at the mine site to organize a group of stakeholders to develop the criteria for a formal Failure Mode Analysis, to be performed in 2005. TA participation in two days of stakeholder meetings at the mine site and teleconference calls culminated in a draft outline of the FMA process and identifying data gaps to be addressed during the 2005 field season. Contract work was minimal in November and none in December 2004.

**1st Quarter 2005**

January activity included a Stability Review Board meeting and site tour to discuss projected surface disturbance and related phenomena due to underground mining activities. An RCRC board meeting was attended Jan 20th, where the TA presented subsidence issue information to board members. Office hours were expended in reviewing design changes for Goat Hill mitigation work and related information made available during the past few months. Report to RCRC filed 1-20-05.

February work included short write-up of talking points for the quarterly RCRC bulletin and correspondence with MMD (2-3-05) regarding recent a teleconference call addressing Failure Mode Analysis development.

**2nd Quarter 2005**

TA activity focused on participating in and tracking Failure Mode Analysis protocol development and completion. A three day session was held at the mine site in late April, which resulted in a draft FMA document with well identified data gaps and a number of issues to be addressed including storm water management/watershed calculations, storm water holding pond spillway design questions, and soil and rock characteristics found at certain locations along the toe of the front rockpiles. Considerable office time consumed in reviewing the voluminous Remedial Investigation's Preliminary Site Characterization Summary Documents. An RCRC board meeting and a late June EPA poster session attendance rounded out the 2nd quarter activities.

**3rd Quarter 2005**

TA activity continued tracking USGS Red River studies including a progress report meeting in Sante Fe in mid August and mine site meetings regarding subsidence issues and permit modification proposals. Meetings attended at MMD and NMED offices in Santa Fe addressed subsidence issues, permit modifications, and water quality issues downstream from the toe of the tailings facility. Status of ED's directive for drilling additional monitoring wells and discussions regarding water quality concerns were noted. TA participated in a RCRC board meeting, a
Questa Community Coalition meeting, and private discussions with Questa citizens and RCRC members during the last month of the contract.

**SUMMARY AND CONCLUSIONS**

The past three years have proven to be a challenging and broad-based education for the writer, who has experienced a varied and complicated series of issues, all centered on the Red River and the Molycorp operation. At the beginning of the writer's involvement with the Molycorp Superfund site, the primary focus was, and to a great degree, continues to be the Red River/mine site chemistry, geochemistry, hydrology, water

balance, and related studies undertaken by the USGS beginning in 2002 to better understand the pre-mining conditions of the Red River watershed. The growing awareness of unstable rockpile conditions in 2003 resulted in not only direct action taken by the mine operator to address the movement, but the development of the site's first real monitoring systems and emergency action plans. This work since has expanded to more extensive investigations into front rockpile stability and site-wide issues of subsidence and potential impacts to surface and sub-surface water quality that hopefully will be taken into consideration during the completion of the Remedial Investigation process and Feasibility Study to follow. Not only is the mine site itself a complex and dynamic phenomena, but the tailings facility alone presents a huge potential impact to Questa and the communities downstream from the confluence of the Red and Rio Grande Rivers. While this process of engagement with miners, agency personnel, researchers, consultants, and community has been difficult, expensive, protracted, sometimes tense, and has required long hours of travel time, the writer honestly feels this type of process is the only hope to achieve a reasonable outcome for all parties. At some point in the future, there is hope that the Questa community will have their concerns heard and responded to in reasonable manner, that ecologic and human health concerns are identified and addressed with reasonable and appropriate action.

From Molycorp's perspective, this process might easily be viewed as a protracted effort to drive them out of business by a few agency and community individuals. However, the past few years have not shown signs of economic collapse at the mine, rather the opposite. The experiences of Goat Hill and the Superfund process has forced Molycorp to consider the letter of the mining law and hopefully the spirit of the mining law not only in the context of the present conditions, but the ramifications of the future. That truly is in the best interests of their shareholders, their employees, and their neighbors.

Kenneth S. Klco
Consulting Geologist
Azurite, Inc.

1. Purcell, RPM
2. Site Repository ~~2. Regulatory~~
3. SF File Room
4. TAG File

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# TAG Quarterly Progress Report

**Date:** 11/11/05
**Report Number:** 12
**Report Period:** 7/1/05 - 9/30/05

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisor:** Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisor submitted the following documents:
  - Report on the Technical Advisor's Activities for the 3rd Quarter 2005.
  - Report on USGS Baseline Meeting/TWG in Santa Fe, NM on August 11, 2005.
  - Summary of Draft Final Report of Risk Assessment Memorandum: Selection of Chemicals of Potential Concern for the Molycorp Site.
  - Preliminary Report on Molycorp Subsidence Close-out Plan Meeting held on August 17, 2005.
- Extensive work preparing and submitting a three-year grant renewal application.
- A Board of Directors' meeting occurred on August 30.
- The Technical Advisor attended the Questa Community Coalition meeting held in Questa, NM on September 14.
- Updated the RCRC web site to include additional information, announcements, and documents.

**Difficulties Encountered:**

The lengthy wait from the EPA Grant Coordinator regarding the status of the renewal application has been troubling. For nearly two and a half months, RCRC has awaited both a response from the initial draft grant renewal submittal and the formal grant application. This delay has slowed RCRC's community outreach work and will soon undermine the organization from fulfilling its mission.

With the ending of the current grant cycle, there is also a misinterpretation regarding the ability of RCRC to fund and be reimbursed for final reports and close-out documents. Unless RCRC is authorized to receive reimbursement for work undertaken to close-out the grant, the work can not proceed and final reports will not be submitted.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- Report on the Technical Advisor's Activities for the 3rd Quarter 2005 from Technical Advisor, Ken Klco.
- Report on USGS Baseline Meeting/TWG in Santa Fe, NM on August 11, 2005. Programmatic Condition L.
- Summary of Draft Final Report of Risk Assessment Memorandum: Selection of Chemicals of Potential Concern for the Molycorp Site. Programmatic Condition K
- Preliminary Report on Molycorp Subsidence Close-out Plan Meeting held on August 17, 2005. Programmatic Condition O.
- Updated the RCRC web site to include additional information, announcements, and documents. Programmatic Condition H.

**Activity Anticipated in the Next Quarter:**

- Acceptance of TAG grant renewal.
- Continued engagement and participation in FMA meetings and other relevant superfund issues.
- Additional Board meetings are scheduled.
- Next edition of the RCRC newsletter, "Cuentos del Rio".
- RCRC Technical Advisor will comment on any draft or final documents released by the US EPA or other relevant parties.

**ASAP Drawdowns:**

Only one drawdown was requested this quarter - on August 30 for $3,727.50. The total drawdown for this grant at the end of the 3rd quarter 2005 is $37,384.12. This is matched by $9,346 of in-kind contributions by the RCRC TAG.

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

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November 3, 2005

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

3rd QUARTER, 2005, ACTIVITY REPORT

July, 2005, Activities

Limited hours (10) expended during the month of July, working on correspondence with RCRC regarding scope of work and break-out of tasks projection for new contract formulation (6hrs) and review of Remedial Investigation Documents (4hrs).

August, 2005, Activities

August 11th, 12th---attended USGS progress report meeting in Santa Fe, NM, to review status of various USGS studies concerning Red River water quality due for publication and public access.

August 17th---attended subsidence issues meeting at Molycorp mine site, one day meeting with return same day.

August 26th, 29th---office hours expended in report write-ups, review of subsidence investigation reports.

August 30th---attended RCRC board meeting, submitted and discussed reports to board.

September, 2005, Activities

September 14th---attended Questa Community Coalition meeting in Questa, NM

Please find attached all reports filed with RCRC during 3rd quarter, 2005.

KSKlco
Technical Advisor
RCRC

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

August 19, 2005

Río Colorado Reclamation Committee
Questa, New Mexico

REPORT ON USGS BASELINE MEETING/TWG, SANTA FE, NM, 8-11,12-05

This two day meeting at ED Hazmat offices in south Santa Fe included 21 attendees including six individuals from the USGS, five personnel from Molycorp and/or their technical support consultants, three EPA representatives or consultants for, and the remaining personnel from the NMED and community technical representatives from AB, RCRC, and Village of Questa.

For the most part, technical information shared with the group continues to be not-yet-published, non-citable data, which will not be available for public dissemination until late November or early December, 2005. The meeting was headed by Kirk Nordstrom, the chief investigator for the Molycorp project for the USGS and author of the Final Summary report due out in December, 2005. The Summary Report will tie together the 27 various studies undertaken by the USGS since 2001 to result in a determination of baseline geochemical conditions of the Red River prior to the initiation of mining operations along a reach from Red River to the Questa gauging station.

Thursday's day-long meeting involved various short presentations of the USGS studies near (albeit not published) completion by Nordstrom with nearly continual comment, question, interjection, and sometime rejection by Christoph Wels, the Robertson Geoconsultant hydrologist who has acted as Molycorp's point man regarding the interpretation of field data and progression of logic used by the USGS to define the Baseline data sets. Wels' long familiarity with the site and various sampling points, wells and outcrop, underscored his ability to ask difficult and numerous questions throughout the day. While other USGS personnel, and other primary stakeholders did ask some questions of the approach to estimate of baseline constituents' quantities, the day was primarily a debate between Nordstrom and Wels over approach, assumption, and interpretation of USGS field measurements. For instance, Wels, would not agree with USGS investigators approach and interpretation of sulfate dilution phenomena from the headwaters of Straight Creek to the Red River at La Bobita. USGS assumes bedrock groundwater dilution of sulfate concentrations and Wels strongly disagreed. Wels approach to water balance calculations based on loading data vs USGS logic of using empirical data gained from water analysis will take some negotiation before the two sides will agree, or they may not. Teleconference calls were scheduled to attempt to get the USGS principal investigator on this subject directly involved in discussion with Wels regarding specific data interpretation prior to final publication of the USGS work. Nordstrom presented, and at times, defended the proximal analog model of Straight Creek geochemistry, including:

- Iron reduction occurs in Straight Creek, but sulfate reduction does not.
- Solubility equilibrium is attained and provides a mechanism for certain defined concentration levels of metals.
- Bedrock groundwaters are neutralized by carbonates but still contain relatively high concentrations of Iron, Manganese, and Sulfate.
- Hydraulic connections do exist within the Straight Creek Watershed
- Mineral solubility ultimately controls Fe+2, Fe+3, Mn+2, and CaF2 concentrations.

Surface water flows and synoptic tracer studies were discussed, involving the reactive transport modeling that will be presented in Report #12. This study will focus on the geochemical control on Aluminum, which will probably involve organic complexing. This study will present the USGS's interpretation of Groundwater to Surface-water links utilizing mixing curves to support the end result for Baseline estimation.

Wels and the USGS also agreed to disagree on the supposition that the debris fans found downstream of each drainage (Capulin, Goat Hill, Sulfur), are less permeable, resistant to GW flow, and cause upwelling in the Red River. Wels contends that not all debris fans are alike and some actually display negative upwelling in some fans (not confirmed by name of drainage.)

A series of Pre-mining constituent parameter estimations were presented by Nordstrom, the source of data, and continued discussion ensued (mostly Wels) as to validity of data from certain monitoring wells or sample locations. Data reflecting baseline ranges of metals/constituent inputs from each major drainage through the reach of mining operations was presented. Most were presented as ranges of values, although there were some exceptions where the data was limited. The major points made during this part of the presentation focused on the need to:

- Elaborate on Dilution Mechanisms
- Mixing Line Graph Explanations
- Define buffering Mechanism
- Explain ranges of constituents in Sulfur Gulch
- Confirm/Defend Vincent Report #17 (gw inflow to Red River)

Friday, August 12, was a shorter and not so technical session of defining desired types of information to be presented in the final product as well as timetables and process for the release of the 27 studies and the summary report which will accompany the finished work. Wels requested that the USGS perform actual loading calculations to compare/confirm USGS empirical based estimates of water quality inputs to the Red River prior to mining. He suggested that yield calculations should be included in the final report. He asked that hydraulic testing results used for data interpretation be included in the final project, including slug tests, pumping rate tests, K value determinations, etc. The date for final report due to the NMED was discussed. M. Reed was adamant that a December 05 date would be met, although USGS made some comment about printing delays in their system. Reed noted that the final report product needs to include an Executive Summary, which includes a summary of each of the 27 studies that is in turn tied

together with the Final Report. Nordstrom made a statement regarding USGS limitations which do not allow for definitions of amounts of current mine pollution entering the Red River vs. natural sourced pollution, pointing out that this study's objective was to determine a Pre-mining Baseline Water Quality condition along this reach. Nordstrom was careful to note that it is important that all stakeholders, and especially the public and press, understand the defined objective of the studies were intended to produce and just as importantly, what the studies were not intended to produce.

J. Kuipers suggested that a "fact sheet" flyer be produced soon after the publication of final report that explains the key points of the USGS Summary Report that addresses the issues the report will not address vs. those that the Summary Report will consider. Kuipers also requested from the State ED office an estimate of ED's response document and publishing of final interpretation (NMED) of the USGS Summary Document and its bearing on the upcoming DP 933/1055 Renewal Hearings. Various dates for completion and printing of USGS reports 20, 21. 22, and 25, (groundwater, mass loading, seismic report, and summary report) were discussed. It is planned to have the Summary Report available at least one week prior to a November 15th final meeting date prior to agency submittal in December 2005.

KSKlco

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August 28, 2005

Rio Colorado Reclamation Committee
Questa, New Mexico

SUMMARY OF DRAFT FINAL REPORT OF RISK ASSESSMENT MEMORANDUM: SELECTION OF CHEMICALS OF POTENTIAL CONCERN FOR MOLYCORP SITE

This Final Draft Report summarizes the identification of Chemicals of Potential Concern (COPC), those chemicals that will be scrutinized in the human health and ecological risk assessment for Molycorp Mine site. Basically, the COPC list is derived from direct comparison of measured concentrations of organic and inorganic constituents in the site media to "federal and state numerical regulatory standards and criteria, calculated risk-based screening levels, or commonly accepted benchmarks approved by EPA for screening purposes." Screening levels for the Human Health Risk Assessment and the Baseline Ecological Risk Assessment were determined independent of one another. For instance, the HHRA used screening levels derived from EPA Region 6 soil residential screening levels, Region 8 ground water for sulfate levels, and EPA federal maximum contaminant levels for drinking water for arsenic and other selected constituents, while the Baseline Ecological Risk Assessment utilized screening criteria from the following sources:

---EPA Region4,6,7,8,9 ecological screening levels
---EPA Region 5 ecological screening levels (formerly ecological data quality levels
---Canadian Council of Ministers of the Environment quality guidelines
---Oak Ridge National Laboratory toxicological benchmarks, secondary chronic values
---Westinghouse Savannah River Company ecological screening levels
---EPA Office of Solid Waste and Emergency Response ecotoxicity thresholds
---National Oceanic and Atmospheric Administration apparent effects thresholds
---EPA ecological soils screening levels
---EPA chronic ambient water quality criteria
---Great Lakes Water Quality Initiative
---Colorado Department of Public Health and Environment
---Chadwick Ecological Consultants

It was reported that more than 1000 samples from various media were screened to compose the list of COPC. The summary describes a single screening process for the Human Health Risk Assessment and Baseline Ecological Risk Assessment with three tiers of evaluation. The memorandum states that two data sets were screened, one set being the Remedial Investigation data and the other a reference set exclusive of "known or suspected" mine impacted areas ( ie,natural background areas). Reference area data was used only in Tier Two analysis.

The three Tiers of evaluation were basically increasing levels of refinement with Tier Three being the most comprehensive. Tier one evaluations basically looked at site-related media –specific data, the site as a single exposure area, and compared RI data available at the time to regulatory-defined and risk-based screening levels. Screening of COPC's relied on the Hazard Quotient (HQ) approach, comparing the maximum exposure concentration detected to an effects concentration(the highest concentration not expected to result in adverse effects or significant toxicity. This ratio is as follows: HQ = exposure concentration / effects concentration

Constituents with a HQ of 1.0 or greater were retained for further investigation, for Human Health Risk Analysis purposes, an HQ of 0.1 or greater was retained to account for cumulative effects from combined exposures to multiple constituents that could act on the same toxilogical endpoint.

Tier I evaluation included data from surface water, soils, ground water, and sediments. Air borne data samples were not used in this evaluation. Dissolved-phase concentrations were used to compare to screening levels for ecological levels, but total constituent concentration levels were used to compare to human health screening levels. A short summary of Tier I results:
---An average of 14 inorganic COPCs occur in the most media evaluated
---A significant number of inorganic COPCs occurs between the HQ 1.0 and HQ 0.1 threshold for the Health and Human Risk Assessment screening.
---Organic constituents do not appear to drive risks as the Site with the exception of PCB (mill)

Tier II evaluation included risk-based and effect based screening levels for those constituents lacking initial screening levels. Both mine site and tailings deposal area data were used instead of a single, Site-wide exposure area. Reference samples were grouped as one entity and screening similar to the exposure areas for a preliminary assessment of potentially elevated concentrations of organic and inorganic constituents related to naturally occurring sources.

Tier II results summary:
---The number of COPCs differs by media and exposure areas
---Both exposure areas have multiple COPCs
---Significant increase in the number of inorganic COPCs occurs bwt the HQs of 1.0 and 0.1 for the HHRA screening
---Organic COPC are largely limited to the soils medium
---Few COPCs were completely eliminated through the Tier II screening process
---Additional criteria are warranted for exclusion of COPCs without screening levels or infrequently detected.

Tier III evaluation incorporated all of Tier II criteria with a final site-wide data base and elimination of certain COPCs based on criteria including:

---less than 5% frequency of detection in the Site-wide data base
---constituents that are essentially nutrients (calcium, magnesium, potassium, phosphorous, sodium)
---negligibly low toxicity level constituents such as ammonia and chloride
---constituents that reflect very low levels of concentration, on the order of two times the detection limit of common laboratory contaminants such as acetone, bis-ethlyhexyl phthalate, and carbon di-sulfide.

Reference areas were not included in Tier III evaluations. The primary findings of the Tier III evaluation included:
--- A number of COPCs were eliminated due to being nutrients or low toxicity expectations.
--- Most organic constituents were eliminated from further consideration.
---The number of COPCs identified at the mine site was higher than those identified at the tailings disposal area.

Exhibits 1 through 5 list the final Tier III Constituents of Potential Concern by exposure area and medium that will be used for the Human Health Assessment Risk Analysis and the Ecological Risk Assessment.

Respectfully Submitted,

Kenneth S. Klco
RCRC Technical Advisor

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August 30, 2005

Rio Colorado Reclamation Committee
Questa, New Mexico

PRELIMINARY**REPORT ON MOLYCORP SUBSIDENCE CLOSE-OUT PLAN MEETING, 8-17-05

This Technical Working Group Meeting was held at the Molycorp mine site on August 17, 2005, with the stated purpose "to provide an opportunity for stakeholders to ask questions of and obtain technical information from, the key technical experts involved in the development of the proposed closeout plan for the subsidence zones."

A brief review of each aspect of the subsidence plan development was given by the respective consultant involved, Leo Gilbride, Agapito Associates (rock mechanics), Larry Cope, SRK Consulting (surface and ground water aspects), Bruce Buchanan, BCL(revegetation), and Bill Eaton, URS. The presentations were followed by a field tour to the Goat Hill subsidence area, including the Glory Hole located in the Goat Hill Drainage north of the Administration Bldg., and Slickline Gulch, site of present surface subsidence associated with current underground mine operations.

Goat Hill Subsidence Zone

Goat Hill Subsidence Zone overlays underground mine operations completed in year 2000. In the primary subsidence area, up to 200 feet of vertical displacement has occurred. Large escarpments have formed along hillside, resulting in overturning of subsurface materials and complete removal of surface vegetation. Trees and shrubs have been killed due to severe root disturbance and substantial change in attitude. Due to the fact that underground mine operations were located directly below the surface drainage pattern of Goat Hill Gulch, a large depression, or Glory Hole has formed, 200-300' across and 150-200' deep. Goat Hill watershed surface water flows into the depression, forming a shallow lake at the bottom, which eventually drains to underground mine operations, where the water is pumped to mill site area for mixing with tailings and transport to the tailing facility near the town of Questa. The Goat Hill subsidence zone includes three concentric areas, a "bullseye" of sorts, with the primary zone in the center, the zone of maximum subsidence, surrounded by the Relaxation Zone, a doughnut like area where ground movements of 10' to 1' of movement have occurred. The Relaxation zone is surrounded by a larger area termed the Deformation Zone, where ground subsidence of 1' or less has occurred. Many areas within the Relaxation Zone and especially within the Deformation zone appear to have little change from prior to subsidence. Vegetation is in place and displacement appears to have occurred vertically, with minimum disturbance of surface configuration. Even in the primary subsidence zone, there are examples of vertical displacement of ground that does not appear to

have greatly effected trees or other vegetation, although most of the area within the primary subsidence zone shows signs of disturbance such as tilting trees and block faulting and shallow escarpment formation. Agapito estimates that 5% of the area within the primary subsidence zone will undergo substantial change to the point that vegetation will be completely removed by ground movement and may never be stable enough to re-vegetate by natural process of seed dispersal from neighboring vegetated areas. Within the Relaxation and Deformation Zone, there exists solid evidence that natural re-vegetation processes are underway, especially in the Relaxation Zone areas toured in Goat Hill Gulch just south of the Glory Hole. Trees, shrubs, and grasses have colonized these disturbed areas which appear to have been bulldozed clean of vegetation some years ago and not reflect a diversity and ground cover that meets or exceeds neighboring non-disturbed areas. However, within the primary subsidence zone itself, especially in areas of high relief, large fault blocks of exposed rock and soil reflect unstable ground conditions and limited potential for re-vegetation by natural process or otherwise.

Slickline Gulch Subsidence Area

The Slickline Gulch Area presents a different set of circumstance than Goat Hill, primarily due to the fact that underground mining operations are located not directly below the surface drainage channel of Slickline Gulch drainage, but aligned more off to the east and north of the surface drainage patterns. Molycorp has installed a number (8) of real time survey stations that continually monitor surface ground movements as current cave blocking mine occurs app. 1800' beneath the surface. Much of the ground movement at this time has a horizontal component, and considerable study has been done in projecting potential scenarios regarding the colluvium (loose rock and soils) capping the bedrock hillsides in this area. Final ground movements, while basically undergoing the same sort of concentric deformation as experienced in Goat Hill Area, will likely look quite different than Goat Hill. For one, there will likely be no Glory Hole formation, and Molycorps' consultants project that surface water flows will not be diverted to a depression and underground mining zones such as is the case with Goat Hill. While no one can project an accurate final surface appearance at this time, it is likely to look quite different than the surface appearance of Goat Hill.

+

PRELIMINARY CONCLUSIONS AND COMMENTS

Due to the fact that the writer did not have the Subsidence Plan available for review, prior to this TWG meeting and that a considerable package of information arrived within the past few days, comments on the subsidence plan will be limited at this time. However, the subsidence issues may have substantial impact on the safety of mining personnel, groundwater impacts to the Red River, and long term issues relating to potential mine site tailings disposal and water usage. In that regard, the writer would like to forego additional comments on the subsidence plan at this time, other than these limited comments:

** There appears to be substantial field evidence that natural re-vegetation processes are underway on major portions of the subsidence areas that may preclude "engineered" reclamation, especially those processes involving re-grading or re-sloping area and mechanical means of vegetative establishment over natural.

**While the future subsidence zones are likely to have a different surface appearance than Goat Hill Glory Hill and surrounding lands, it is estimated by Molycorp consultants that approximately 300 acres of surface lands will be affected by subsidence in the primary subsidence zone, app. 387 acres in the relaxation zone, and app. 242 acres in the deformation zones of future underground mine operations. These considerable areas of future surface impact of presently unknown extent and little understood geotechnical stablility present a difficult problem for mine management to formulate an adequate plan to address critical components of site control in regards to slope stability, sediment and erosion control, and worker safety. These considerations must be integrated with long term site-wide close out projections, tailings disposal studies, and surface water management considerations prior to approval by agencies and agreement by public interest technical support personnel.

KSKlco

cc: 1. RPM - Purcell
2. Site Repository
3. SF File Room
4. TAG File

# TAG Quarterly Progress Report

**Date:** 8/8/05
**Report Number:** 11
**Report Period:** 4/1/05 - 6/30/05

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisor:** Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisor submitted the following documents:

  - Report on the Technical Advisor's Activities for the 2nd Quarter 2005.

- RCRC Board drafted a letter to the EPA to clear-up any misunderstanding regarding the Technical Advisor's participation in the FMEA process.

- Submitted budget modification and contract amendment request to the EPA to better manage the remaining funds under the TAG award.

- Initiated grant renewal preparations.

- Three Board of Directors' meetings occurred this quarter on April 11, May 9, and June 20. Election of new officers and members occurred at the May 9 meeting.

- Many RCRC Board members and the Technical advisor attended the June 28 EPA Community Meeting/Poster Session in Questa to review and comment on the information presented and request further information.

- Finalized and distributed the latest edition of the RCRC newsletter, "Cuentos del Rio".

- Updated the RCRC web site to include additional information, announcements, and documents.

- RCRC members quoted in the continuing local and regional press coverage on issues related to the MolyCorp mine and its Superfund listing.

**Difficulties Encountered:**

The grant revision request was belatedly determined unfeasible and decided to pursue necessary changes in the next grant cycle.

Summer vacations began in earnest, at times making discussions and decisions difficult.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- Report on the Technical Advisor's Activities for the 1st Quarter 2005 from Technical Advisor, Ken Klco.
- Latest edition of RCRC newsletter, "Cuentos del Rio". (Programmatic Condition h.)
- RCRC members quoted in the continuing extensive local and regional press coverage on issues related to the MolyCorp mine and its proposed Superfund listing. (Programmatic Condition n.)

**Activity Anticipated in the Next Quarter:**

- TAG grant renewal application.
- Continued engagement and participation in FMA meetings and other relevant superfund issues.
- Additional Board meetings are scheduled.
- Next edition of the RCRC newsletter, "Cuentos del Rio".
- RCRC Technical Advisor will comment on any draft or final documents released by the US EPA or other relevant parties.

**ASAP Drawdowns:**

Only one drawdown was requested this quarter - on May 3 for $640. The total drawdown for this grant at the end of the 2nd quarter 2005 is $33,656.62. This is matched by $8,414.15 of in-kind contributions by the RCRC TAG.

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July 3, 2005

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
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Questa, NM 87556

2nd QUARTER, 2005, ACTIVITY REPORT

April 4-8th office hours expended on review of Molycorp Remedial Investigation information, Failure Mode Analysis documents.

April 11th—attended RCRC board meeting, Herrera;s residence, Questa

April 12th—attended meeting with AB, MMD, and NMELC members at MMD offices, Santa Fe, to review status of Molycorp's permit review deadlines and subsidence issues.

April 18th-22nd—reviewed Failure Mode Analysis protocol documents and Front Rockpile Geotechnical testing results in preparation for FMA meeting scheduled for last week in April

April 26, 27, 28th---attended Failure Mode Analysis Session for Front Rockpiles, as representative for Amigos Bravos (no labor or expenses charged to RCRC contract).

April 29th---attended status meeting of subsidence issues and monitoring system update at Molycorp site.

May, 2005---reviewed Molycorp Remedial Investigation Preliminary Site Characterization Study documents. 20 hours office time expended during past month.

June, 2005---review Remedial Investigation Preliminary Site Characterization Study documents, Draft Final Risk Assessment Memorandum: Selection of Chemicals of Potential Concern.

June 17th---teleconference with FMA team regarding front rockpile final report issues and update on areas of continued data collection, field investigation schedule.

June 28th--- Attended EPA poster session, community open house, Questa, NM.

Río Colorado Reclamation Committee

# Cuentos del Río

El Río es Vida! - The River is Life!

Vol. 3 No. 1 Spring 2005

*Our last newsletter reviewed the draft Public Health Assessment from Agency for Toxic Substances and Disease Registry. The final report was issued in February and included comments from Amigos Bravos, Molycorp, the EPA, RCRC, and from the public. The following addresses common questions about the final report.*

## Were There Any Changes To The Draft Report?

There were a number of additions and corrections: most noteworthy was the change in the Health Hazard Category. The draft report listed the Molycorp site as a *past* and *future* health hazard, but not a danger at *present.* However ATSDR found that:

- Contaminated wells are a danger now.
- Ground water contamination has not been fully defined.
- Unstable waste rock piles are an ongoing physical hazard.
- For these reasons, ATSDR has pronounced the Molycorp site a ***public health hazard.***

## What Are ATSDR'S Findings on Water Quality in Private Wells?

- Some private wells have high contaminants and individuals who drank from contaminated wells in the past could have health problems.
- Contaminated private wells continue to pose a hazard and should be decommissioned.
- People who drink from private wells should have their wells tested regularly.

## What Are ATSDR'S Findings on Water Quality In The Municipal Water System?

- Municipal water lines should be removed from tailings.
- The municipal water system is generally safe even though lines have been embedded in tailings.
- Tailings may get into the lines but amounts of tailings, even though they could make water cloudy, would not be harmful.

## Will ATSDR Return To Do A Health Study In Questa?

*ATSDR did not identify current or past exposures great enough to justify further investigation of the health status of the general Questa population.*

However in response to public comments calling for health studies, the report states:

- Knowledge of health problems in a community is useful to public health authorities and to health care providers.
- Death and disease rates could give a fuller picture to the report, but an official date base of death and disease rates in Questa was not available.
- ATSDR will continue to review results of investigations by federal and state environmental and health agencies.
- ATSDR will provide health-related education activities if requested.

*FREE DRINKING WATER TESTS! FREE DRINKING WATER TESTS! FREE DRINKING WATER TESTS!*

**Health Departments from six Rocky Mountain States are conducting research to find out if people who drink water in certain areas are exposed to heavy metals and arsenic. They have tested tap water in Taos, Arroyo Hondo and Arroyo Seco, and are looking for adults in Questa willing to participate in the study. The tests are *FREE!***

*If interested, contact:* Judy Espinoza, Phone: 1-888-878-8992, Email: jespinoza@doh.state.nm.us

The EPA is offering to test domestic water wells within two miles of the tailings facility, or the Red River Valley downriver of the mine. These tests are also free. Call: *Mark Purcell at 1-800-533-3508*

## Contact Information for Molycorp Mine Issues

**U.S. EPA**
Mark Purcell
EPA, Region 6 (Dallas)
214-665-6707

**ATSDR**
Debra Joseph
(888) 422-8737

**New Mexico Environment Dept.**
Mike Reed, Molycorp Permit Lead
Ground Water Quality Bureau
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Al Pasteris, Surface Water Bureau
505-827-2575

Bill Olson, Chief, Ground Water Quality Bureau
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Sandra Ely, Chief, Air Quality
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Ron Curry, Secretary, NMED
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Karen Garcia, Bureau Chief, MMD
505-476-3435
Bill Brancard, Director, MMD
505-476-3405

**Elected Officials**
Congressman Tom Udall
505-984-8950 (Santa Fe office)

Senator Jeff Bingaman
505-988-6647 (Santa Fe office)

Senator Pete Domenici, Sr.
505-988-6511 (Santa Fe office)

State Senator Carlos Cisneros
505-586-0873 (home)

Mayor Charlie Gonzalez, Questa
505-586-0694 (office)
505-586-1589 (home)

Governor Bill Richardson
(Contact: Hillary Tompkins, Deputy Counsel)
505-476-2222

**Other Contacts**
Tom Gorman, Office Of Emergency Management
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Bobby Magill, Reporter
*Taos News*
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Rio Colorado Reclamation Committee
A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico.
P.O. Box 637 • Questa, NM 87556

# MOLYCORP SITE

# ECOLOGICAL RISK ASSESSMENT

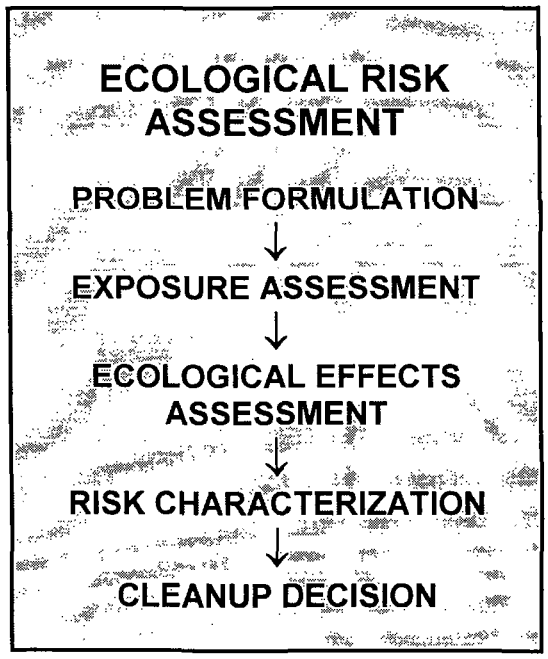
## INFORMATION BULLETIN
## JUNE 2005

The U.S. Environmental Protection Agency (EPA) is performing an Ecological Risk Assessment as part of the ongoing Remedial Investigation and Feasibility Study (RI/FS) at the Molycorp Site, located near the village of Questa, New Mexico.

The purpose of an ecological risk assessment is to determine the potential for contaminants released into the environment to harm plants and animals, now or in the future. The ecological risk assessment is important for several reasons:

- It will provide the community and state and federal agencies with an understanding of the potential ecological risks posed by contamination from a site.
- The results will be used to determine the need for cleanup.
- It will provide sufficient information for EPA to evaluate the potential ecological effects of any cleanup options.
- It may also be used to establish preliminary cleanup levels that will adequately protect any plants and animals at risk.

### *Problem Formulation — Defining the objectives and scope of the ecological assessment*




An initial step in the ecological risk assessment is to define the problem, the objectives, and the scope of the assessment. In this step, EPA identifies chemicals of potential ecological concern (COPCs) based on a review of existing data. The EPA also determines how these chemicals may be released into the environment, how plants and animals could be exposed to them, and the potential effects from exposure to these chemicals. This process results in a conceptual model of the site that identifies the environmental values or ecological resources to be protected, the environmental data necessary to complete the risk assessment, and the analyses to be performed.

During problem formulation, Assessment and Measurement Endpoints are identified to focus the risk assessment design and analysis. Assessment Endpoints are explicit expressions of the actual environmental values or ecological resources that are to be protected. An Assessment Endpoint for

the Molycorp Site might be the protection of the survival, growth, and reproduction of trout in the Red River. Assessment Endpoints often cannot be easily and accurately measured. Therefore, Measurement Endpoints are identified that are linked to the Assessment Endpoints. The Measurement Endpoint linked to the protection of trout might be the concentration of aluminum in water shown to cause a decrease in their survival, growth, or reproductive success.

Once the conceptual model is completed and the endpoints are selected, the objectives and scope of the risk assessment are identified and a sampling and analysis plan (SAP) is prepared. The SAP is prepared to collect samples of environmental media at the site for analysis.

**BIOTA SAMPLED AT MOLYCORP**

- **Fish communities – primarily Rainbow and Brown Trout**
- **Aquatic insects – such as mayflies**
- **Aquatic and terrestrial birds**
- **Aquatic plants**
- **Small mammals**
- **Terrestrial plants**

The EPA has completed the problem formulation and SAP for the Molycorp Site Ecological Risk Assessment. A preliminary list of the COPCs was developed based on historical data. A variety of Assessment Endpoints and representative species were selected for evaluation in the risk assessment, including fish communities (primarily Rainbow and Brown Trout), aquatic insects, birds, small mammals and terrestrial and aquatic plants. The fish were included because they are important from a recreational standpoint, known to be sensitive to the COPCs, and comprise a major biological component of the Red River. The aquatic insects were also included because they serve as a major food source for trout. These species and communities will be evaluated for survival, growth, and reproductive success. Soil, sediment, water, air, plant and animal (including fish) samples were collected for chemical analyses. The chemical levels in these samples were compared to ecological screening values to refine the list of COPCs to be included in the risk assessment. Screening values are conservative risk-based or other estimated levels that, if not exceeded, are considered protective of animals and plants that may be exposed for a long period of time. The COPCs identified for the Molycorp Site are primarily metals such as aluminum, cadmium, molybdenum and zinc (*see also* EPA's Risk Assessment Memorandum: Selection of Chemicals of Potential Concern, Molycorp Mine, Questa, NM, dated May 2005).

### *Exposure Assessment — What animals are exposed? How often? How much?*

Animals are exposed to contaminants through breathing (inhalation), eating, drinking or preening (ingestion), or by skin (dermal) contact. For example, fish in a river may ingest contaminated surface water, sediment, and/or food or prey. The exposure assessment identifies how specific animals and plants may be exposed to chemicals. It also estimates how much. For example, models may be used to estimate the amount of contaminated plants an animal eats daily. The most important exposure for fish in a river is through ingestion of contaminated surface water and, to a lesser degree, sediments. The ingestion of contaminated food or prey items by fish is also of concern for chemicals that are easily accumulated in plant and animal tissues. In the exposure-assessment phase, a range of likely exposures is developed for a select number of animals and plants (considered to be representative of the site based on where they live and what they eat) to estimate

the amount and types of contaminants they ingest over a specific time period. The EPA is currently completing the exposure assessment for the Molycorp Site.

### *Ecological Effects Assessment — How toxic are the chemicals?*

The ecological-effects assessment quantitatively links the concentration of contaminants to the severity or extent of adverse effects in animals and plants. In other words, *how much* of the contaminant results in *how much* of an unfavorable effect. Scientific literature reviews, field studies, and/or toxicity testing provide this "dose-response" information as separate lines of evidence to estimate ecological risk. For the Molycorp Site, the EPA is using information collected from field studies and the results of toxicity testing conducted on the Red River ecosystem to assess the potential for contaminants to harm different species of animals and plants. In addition, much of the toxicity information is being taken from the literature because most of the COPCs identified for the Molycorp Site are well studied and, therefore, relevant and useful information is readily available from several literature sources.

### *Risk Characterization — Are there ecological risks?*

Risk characterization combines the results of the exposure and ecological-effects assessments to determine whether adverse effects are occurring or may occur in the future. The risk characterization describes the types and magnitude of risk from chemicals for the plants and animals evaluated. Because of the many different interactions in complex ecosystems, the risk characterization also includes a summary of uncertainties with the process and a discussion of the potential impacts of those uncertainties on the results of the risk assessment (in other words, how certain are we about the risk). The risk assessment concludes with an interpretation of the ecological significance and relative confidence of the observed effects or predicted risk.

**RISK CHARACTERIZATION**

- **Current Adverse Effects**
- **Future Adverse Effects**
- **Uncertainty Analysis**
- **Ecological Significance**

### *Next Steps*

The collection of environmental data and other information needed to conduct the Ecological Risk Assessment is complete. The EPA is presently working on the exposure and ecological-effects assessments. The EPA expects to finish a memorandum on exposure scenarios, assumptions, and estimated exposure point concentrations (an estimate of the chemical concentration available from a particular medium) in Fall 2005. A copy of this second Risk Assessment Memorandum will be available for public review at the site repositories located at the village of Questa offices and the EPA Region 6 office in Dallas, Texas, and on the Internet at www.epa.gov/region6/superfund. The first Risk Assessment Memorandum on COPC selection is also available for public review at the repositories and the Internet address. The EPA plans to complete risk characterization by the end of 2005 and the final Ecological Risk Assessment report in early 2006. The EPA then will conduct a risk evaluation of the cleanup options to be evaluated as part of the detailed analysis of remedial alternatives in the Feasibility Study (FS) for the Molycorp Site.

## *For More Information*

If you have questions about the activities at the Molycorp Site, please contact:

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Mike Reed
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mike.reed@state.nm.us

Please refer all media inquiries to Dave Bary, Region 6 Press Officer at 214.665.2208

## *Repositories*

Village of Questa
2500 Old State Road 3
P.O. Box 260
Questa, NM 87557
505.586.0694

USEPA – Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
Please register at 7th Floor reception area.

To have your name and address added to the Molycorp Site mailing list, please call the EPA toll-free number 1.800.533.5308. Site information is on the Internet at www.epa.gov/region6 or www.epa.gov/region6/superfund.

1. RPM - Purcell
2. Repository
3. SP File Room
4. TAG File

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# TAG Quarterly Progress Report

**Date:** 4/26/05
**Report Number:** 10
**Report Period:** 1/1/05 - 3/31/05

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisor:** Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisor submitted the following documents:

  - Follow-up questions from February 1, 2005 teleconference call.

  - Report on the Technical Advisor's Activities for the 1st Quarter 2005 from Technical Advisor Ken Klco.

- RCRC Board drafted a Strategic Plan to guide the organization's efforts during the coming years.

- Two Board of Directors' meetings occurred in February on the 16th and 28th.

- RCRC continued to review and respond to the latest ATSDR Public Health Assessment report.

- Reviewed and responded to the Town of Questa Sampling and Analysis Plan.

- Prepared next newsletter edition of "Cuentos del Rio".

- Discussed FMA process and dialoged with the EPA regarding RCRC's involvement.

- Discussed the EPA's December 8, 2004 Questa Community Meeting.

- RCRC members quoted in the continuing extensive local and regional press coverage on issues related to the MolyCorp mine and its Superfund listing.

**Difficulties Encountered:**

FMA stability issues are part of the superfund process and RCRC encountered difficulty working and convincing the EPA of this fact.

Board is quite busy with other matters, almost lacked quorum at last meeting.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- Follow-up questions documented from February 1, 2005 teleconference call. (Programmatic Condition s.)
- Report on the Technical Advisor's Activities for the 1st Quarter 2005 from Technical Advisor, Ken Klco.
- RCRC members quoted in the continuing extensive local and regional press coverage on issues related to the MolyCorp mine and its proposed Superfund listing. (Programmatic Condition n.)

**Activity Anticipated in the Next Quarter:**

- TAG contract renewal.
- Identify new Board members.
- Continued engagement and participation in FMA meetings and other relevant superfund issues.
- Additional Board Meetings are scheduled.
- Next edition of the RCRC newsletter, "Cuentos del Rio".
- RCRC Technical Advisor will comment on any draft or final documents released by the US EPA or other relevant parties.

**ASAP Drawdowns:**

One drawdown was requested this quarter - on February 10 for $1,539. As RCRC is still awaiting reimbursement authorization, this amount is pending.

**Subject: 20105teleconference**
**Date:** Friday, February 4, 2005 4:26 PM
**From:** Ken Klco <azurite@amigo.net>
**To:** "Foreback, Terence" TForeback@state.nm.us
**Cc:** Rachel Conn rconn@amigosbravos.org

**Azurite, Inc.**

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719-942-4178

February 3, 2005

Terrance G. Forebeck, P.E.

New Mexico Mining and Minerals Division

Pinon Building

1220 South St. Francis Drive

Santa Fe, NM 87505

RE: FEB 1 TELECONFERENCE CALL

Dear Terry,

First off, thank you very much for the opportunity to listen in on the recent teleconference call concerning the FMA process. Being present during the teleconferences enables me to keep up to speed on the team's progress and supports my level of understanding of the FMA process. My wish is to stay as inconspicuous as possible, while remaining engaged in the group effort for a maximum level of information gain with a minimum of disruption or time consumed based on my questions. Tuesday's comments left me with some

questions that (at the time) I felt might better be answered at a later date, maybe during our next group meeting. Since that will not be until late April, I thought I'd relate some of these thoughts to you now for your consideration and comment if you feel that is necessary. I'd appreciate your feedback.

Concerning the four drill holes located in the front rockpiles showing high temperatures---This condition is obviously reflecting chemical change underway and while I have not heard any direct comments regarding the actual mechanism, we can probably rule out the composting of organics and natural geothermal conditions. (at least I am not aware of any report of such in the past). So much for my attempt at humor--- One possible conclusion, obviously, is that oxidation of pyritic material in the waste rock is resulting in the elevated temperatures encountered. While

quenching of holes with water may allow for short term SI operations, the likelihood of drill hole degradation is high as noted that 2 of the 4 holes are now at least partially blocked and most likely unusable for data collection without further drilling rig work. Several questions come to mind regarding the quenching procedure: How much water are we talking about? Is there potential to actually increase the ARD potential currently underway? Can water injection, especially if repeated, destabilize the rockpiles by increasing pore pressures within the rockpile?

Water injection will likely result in eventual flow to bedrock, colluvium, and ultimately alluvium and the Red River. Are the quenching attempts so small that no measureable change is likely to to occur or has any attempt been mentioned to monitor possible changes in monitoring wells directly below the front rockpiles?

Elevated temperatures within the rockpiles suggest a dynamic geochemical process at work within the piles. Addition of water would likely add to those dynamic conditions, a situation that appears to add complexity to the overall task of measuring minute changes within the rockpile. Is it possible that the addition of water could exacerbate the potential for movement while attempting to moderate rockpile interior temperature? The point that a dynamic condition exists rather than a static condition within the pile suggests that considerable change

may occur over time.

Additionally, some mention has been made to W. Wilson's work regarding modeling the geochem parameters within the rockpile. Has he or his group of investigators been contacted regarding these conditions? It would be interesting to hear his take on the elevated temperatures.

Has the elevated temperature phenom been logged as to location within the pile or in relation to the rockpile/ bedrock interface?

I agree that the proposed geophysical logging for clay zone confirmation/location might be helpful in comparing Goat Hill North clay seam/potential shear zone occurance to the front rockpiles, but also feel that further study of the elevated temperatures within the rockpiles may help to identify zones of geochemical process/ weathering/oxidation that may result in clay mineral formation over relatively short spans of time, even if geophysical measurements do not reflect current rockpile conditions.

Has there been any discussion regarding placement of surface located GPS units (similar to Goat Hill and Slickline Gulch monitoring efforts) on the front rockpiles in lieu of or to supplement the SI installation attempts? Given that 2 of the 4 holes are currently limited as to data retrieval potential, a "Plan B" for near term front rockpile monitoring might be considered.

Well, you can probably see now why I hesitated to start asking questions during the teleconference. I hope that some of the above questions might be worth thinking about and asking to those folks who may have some answers. I look forward to hearing from you at your convenience. Thanks again for including me in these very interesting and important discussions.

KSKlco

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April 11, 2005

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

1ST QUARTER, 2005, ACTIVITY REPORT

January 14th-15th---attended site meeting with Molycorp personnel and technical consultants regarding investigations underway to monitor and measure rates of subsidence and rockpile stability potentials due to current underground mining methods impacts. Rockpiles stability issues include potential impacts to groundwater quality directly down gradient of rockpile locations (Red River Drainage, Slickline Gulch, Sulphur Gulch). Potential impacts to groundwater quality are reflected in thermally active drill holes at several locations in the rockpiles and increased percolation and permeability imposed in bedrock areas subject to active subsidence.

January 20th—attended RCRC board meeting, Taos, to review progress of data review, plans for budget control, and work issues for quarter.

January 25th---office hours expended in reviewing subsidence issues from current mining operations related to potential groundwater quality impacts, correspondence with agency personnel and attending teleconferences to keep informed on bedrock and rockpile stability issues related to potential impacts to groundwater quality.

February, 2005---office hours limited to e-mail correspondence and teleconference call, no invoices sent.

March, 2005---office hours expended limited to e-mail correspondence, no invoice sent.

VALLE VISTA

# Molycorp's rock pile project enters next phase

## Molycorp and EPA accused of cutting out public input

By Bobby Magill
*The Taos News*

QUESTA — Molycorp's Goat Hill North rock pile stabilization project at its molybdenum mine is in its third phase, expected to be complete at the end of the month.

Though Molycorp and the state Division of Mining and Minerals claim the project is progressing with only a few hitches, the Río Colorado Reclamation Committee says the public is being shut out of the project's oversight process.

The Goat Hill North waste rock pile was found to be unstable in 2003, and some feared that it could threaten the village of Questa if the pile were to slide into Red River Canyon. Molycorp began a four-phase stabilization project last year to prevent that from happening.

In Phase III of the project, part of what the company calls "the main push," Molycorp workers are moving the unstable portion of the pile, near its top, to the bottom of the pile near where a buttress was constructed in Phase II, said Molycorp representative Kirsten Knoepfle.

But as the project continues, the RCRC's Rachel Conn, also of Amigos Bravos, says the committee is concerned about the rock pile's stability issues, but the U.S. Environmental Protection Agency is shutting its members out.

The RCRC was formed to address primarily water and pollution issues at the mine after the mine was declared a Superfund site. The EPA, under Superfund, is charged to address the mine's threats to public health and the environment. Because of that charge, Conn said the RCRC believes that rock pile instability issues fall within the purview of Superfund, the EPA and RCRC.

The RCRC is using a federal technical assistance grant, or TAG, to address technical issues at the mine as part of the EPA's investigation of contamination the mine has caused in surface and ground water. But Conn said the EPA won't let it use TAG money to address instability issues despite it being a risk to public health.

She said the RCRC doesn't have the federal funding to send an engineer to meetings with Molycorp and the MMD to address technical issues with the rock pile stabilization project.

Greg Kneller

**An bird's-eye view of Goat Hill North, where the third phase of Molycorp's rock pile stabilization is in progress.**

Conn said the EPA sent the RCRC a letter stipulating that it could attend the meetings only if the RCRC would agree to talk about water quality issues and not address rock pile instability, preventing the RCRC's members from having input.

The EPA's Mark Purcel, manager of the agency's investigation project under Superfund, said Jan. 4 his agency never told the RCRC it couldn't attend the technical meetings.

"This was an issue that Molycorp raised because the technical adviser to the RCRC was sitting in on technical meetings to waste rock piles," Purcel said. "Molycorp was upset that they were paying for this man being at these technical meetings" when they believed that Superfund didn't address instability issues.

Molycorp does not pay for an RCRC representative to be at the meetings, Conn said.

"We sent Molycorp a message that clearly it was fine," Purcel said. "We felt as a TAG group he could do that," despite that the RCRC says it can't get TAG funding to send a representative to the meetings.

He said the EPA told the RCRC their technical adviser should be focused on the investigation of pollutants, not instability issues. He didn't say the RCRC representative couldn't talk about the rock piles.

Knoepfle said the RCRC's participation isn't necessary.

"Molycorp feels that the public is represented at these stability meetings," she said. "Between the village (of Questa) having their expert there, the state who has the internal experts and the fact that Amigos Bravos has had an expert, we really feel the public is being served by these parties."

Conn said each group, including the RCRC, has different members with different interests, and Molycorp is shutting out an entire group of residents affected by the mine.

bmagill@taosnews.com

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# TAG Quarterly Progress Report

**Date:** 2/11/05
**Report Number:** 9
**Report Period:** 10/1/04 - 12/31/04

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisor:** Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisor submitted the following documents:

  - Response Document and comments to ATSDR regarding their Public Health Assessment of Questa, NM.

  - Report on the Technical Advisor's Activities for the 4th Quarter 2004 from Technical Advisor, Ken Klco.

- Technical Advisor attended the initial Failure Mechanism Analysis (FMA) meeting at MolyCorp to establish the process for the FMA and identify stakeholders.

- Distributed Fall '04 Newsletter, "Cuentos del Rio" at the November 11, 2004 Community Meeting. The newsletter was reprinted in the November 15 issue of the Horsefly Newspaper, which is widely distributed in the Taos, NM area.

- Organized and sponsored another Community Meeting on November 4, 2004 regarding activities, issues, and progress on the proposed MolyCorp Superfund site.

- The Board of Director's held a Board Meeting and Strategic Planning Retreat on October 28, 2004.

- Individual RCRC members responded in writing to the ATSDR regarding their Public Health Assessment of Questa, NM.

- RCRC members quoted in the continuing extensive local and regional press coverage on issues related to the MolyCorp mine and its proposed Superfund listing.

- RCRC Board members attended the December 9, 2004 EPA Community Meeting held in Questa, NM.

- Discussed and responded to communications from the EPA regarding stability issues and RCRC's continued involvement.

**Difficulties Encountered:**

There was communication confusion from the EPA regarding access and participation by RCRC on the rock stability issue discussion.

The Christmas holiday caused a slowdown in activity as vacations and travel schedules interfered with regular meetings and discussions.

A budget revision is necessary, as expenditures for supplies have exceeded the current budget allocation.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- Response Document and comments to ATSDR regarding their Public Health Assessment of Questa, NM. (Programmatic Condition s.)
- Report on the Technical Advisor's Activities for the 4th Quarter 2004 from Technical Advisor, Ken Klco.
- Sample of individual RCRC member response to the ATSDR regarding their Public Health Assessment of Questa, NM. (Programmatic Condition q.)
- RCRC members quoted in the continuing extensive local and regional press coverage on issues related to the MolyCorp mine and its proposed Superfund listing. (Programmatic Condition n.)

**Activity Anticipated in the Next Quarter:**

- Continued participation in FMA meetings.
- Sending RCRC Technical Advisors to Technical Working Group and Technical Review Committee meetings.
- Additional Board Meetings are scheduled.
- RCRC Technical Advisor will comment on any draft or final documents released by the US EPA or other relevant parties.

**ASAP Drawdowns:**

Three draw downs were requested this quarter - on October 25, for $1,749.65, on November 18, for $2,215.09, and on December 13, for $580. The total quarter drawdown is $ 4,544.74. The total drawdown for this grant at the end of the 4th quarter 2004 is $31,477.62. This is matched by $6,295.52 of in-kind contributions by the RCRC TAG.

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January 20, 2005

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
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FOURTH QUARTER 2004 ACTIVITIES REPORT

October 11,12, 2004—completed review and response document for ATSDR report for TAG Committee review and additions prior to sending to ATSDR. (Response document attached).

October 20, 21, 2004—attended Failure Mechanism Analysis meeting at Molycorp site, a scooping session to lay-out the process for FMA and identify stakeholders.

October 28, 2004---attended Questa TAG strategic planning meeting, Douglas residence, Taos

November 30, 2004-- attended conference call on FMA process development.

December, 2004---no activity

# CDC assessment says Molycorp contaminants could pose health risk

## Public meeting scheduled Sept. 22

By Bobby Magill
*The Taos News*

QUESTA — Contaminants released from the Molycorp mine in the 1970s through the 1990s could still be hazardous to your health, and officials from the U.S. Centers for Disease Control and Prevention are coming to Questa to prove it.

Though the Molycorp mine itself may not present a public health risk today, it has in the past and it could again if Molycorp doesn't keep its contaminants in check, says a CDC public health assessment of the Questa area released Thursday (Sept. 8).

Past exposure to contaminants in some private wells and the mine tailings dust could have caused health problems, but there is no evidence that current levels of contaminants pose health problems, according to the report compiled by The Agency for Toxic Substances and Disease Registry, or ATSDR, an arm of the CDC.

CDC officials will hold a public meeting to discuss their findings at 6 p.m. Wednesday (Sept. 22) at St. Anthony's Parish in Questa.

Some private wells that may have been used for drinking water in the past were found to have high levels of arsenic, cadmium, iron, magnesium, manganese and other contaminants. These wells are hazardous only if people drink from them regularly, the report says.

Rachel Powell, ATSDR media officer, said the agency doesn't keep data on which wells were tested. That responsibility falls on the U.S. Environmental Protection Agency, she said.

EPA Molycorp Remediation Project Manager Mark Purcell said Monday (Sept. 13) the ATSDR relied mostly on historical data collected over the last 30 years when determining the toxicity of private wells. The EPA did not test any wells near the tailings facility, only several private wells along State Road 38 in Red River Canyon near Cabin Springs, including the Douglas well.

But that information was not included in the report.

"Without knowing which wells they looked at, it's difficult to evaluate their conclusion," said Anne Wagner, Molycorp environmental and health services manager, adding that the ATSDR's contamination findings is "conservative."

"They erred on the side of caution, but they assumed that if they had a well sample, it could have been used for drinking water," Wagner said.

The report says that, though people aren't thought to be drinking from the wells today, the private wells have not been abandoned and could still be used for drinking water.

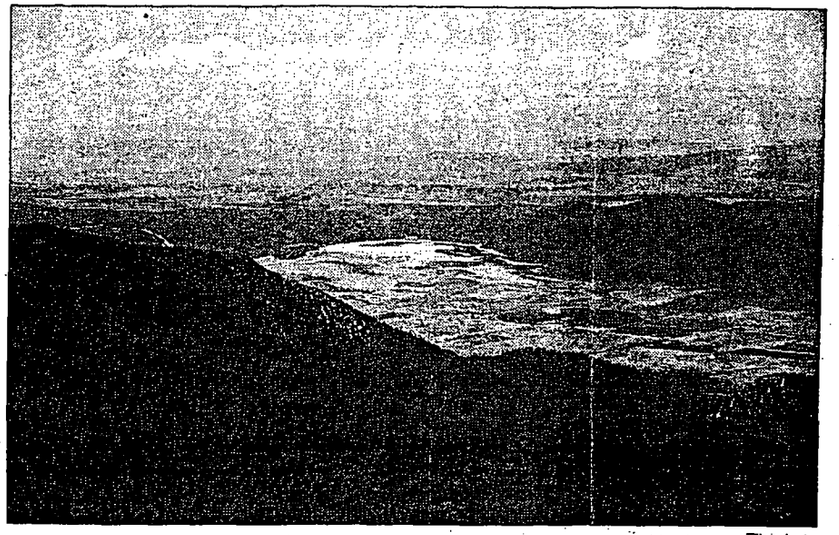
Then there's the matter of tailings dust, which the report says is not thought to have had serious health impacts in the past, but intermittent high dust levels over the last 30 years could have caused respiratory and eye irritation.

"Recent studies indicate that adverse health effects are unlikely today," says the report. Unlikely, but not impossible: "Dust is still occasionally reported, especially on windy days."

Molycorp conducted those studies between February 2003 and February 2004, says the report, adding that local soils may have contributed more to air pollution than the tailings.

Roberto Vigil, an Amigos Bravos board member and Río Colorado Reclamation Committee president, criticized the findings because the federal agencies are relying on Molycorp's data.

"We still get horrible dust storms in Questa," he said, adding that it's hard to believe Questeños have not been harmed by potentially contaminated groundwater and tailings dust.



File photo

**The Molycorp tailings ponds form the most dominant feature above Questa as seen from Cabresto Peak. Molycorp critics say the company doesn't solicit enough public comment about its activities in the area.**

But despite that, the CDC believes Molycorp presents no immediate health risk if proper precautions are taken, the ATSDR categorized the area as a future public health hazard.

"Without actions and regulations to protect the public from contaminants and physical hazards at the site, the potential for adverse health effects remains," the report says.

It warns against Molycorp discontinuing dust control measures, resuming drinking from contaminated well water and failing to address Goat Hill North rock pile stability issues, which "could all adversely affect public health."

"I'm glad we got some results that support what the community has been saying all along," said Amigos Bravos Executive Director Brian Shields. "I feel vindicated."

The ATSDR also urges the village of Questa to replace water lines that are buried in mine tailings.

The agency is taking public comment on the report, available at Questa Village Hall, until Oct. 22 by phone at 888-422-8737 or by mail at ATSR, ATTN: Chief of Program Evaluation, Records and Information Services Branch, E-60, 1600 Clifton Road, N.E., Atlanta, GA 30333.

■ *bmagill@taosnews.com*

**Azurite, Inc.**
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October 11, 2004

Agency for Toxic Substances and Disease Registry
Division of Health Assessment and Consultation
Attn: Chief, Program Evaluation, Records, and Information Services Branch, E-60
1600 Clifton Road, N.E., Atlanta, Georgia 30333

RE: COMMENTS REGARDING SEPT 1, 2004, PUBLIC HEALTH ASSESSMENT FOR MOLYCORP, INC, QUESTA, TAOS COUNTY, NM, EPA FACILITY ID: NMD002899094

Thank you for the opportunity to comment on your agency's recent Public Health Assessment report. The report presents a clear representation of the ATSDR's method of evaluation of data available concerning the Questa site. The following comments/questions will be referenced to page and paragraph in the ATSDR document:

1) page 8, Evaluation Process, explains the process used of identifying the contaminants of concern based on comparison values, and estimates dosage comparisons to minimal risk levels or reference dose to determine whether or not an exposure should be considered a health risk. While it is understood that each chemical of concern must be evaluated as a "stand alone" risk, with its individual exposure path, dosage, and risk, the evaluation process does not consider the real world situation of the sum total of contaminant exposures. For instance, the document (page 10, Table 1) lists 29 substances that exceeded the agency's CV (comparison value) levels for ground water contaminants detected above a level that where no human health affect should occur, yet the individual analysis of risk of health effects of individual contaminant levels only identifies levels of "arsenic, cadmium, fluoride, iron, magnesium, manganese, molybdenum, sulfate, and zinc to be great enough in some wells that regular drinking of water containing the highest levels could increase the risk of adverse health effects" (page 17, summary statement—Ingestion of Groundwater from Private Wells). Granted, the question posed here greatly complicates the evaluation process. Can an adequate evaluation of overall public risk be determined by individual component evaluation only? Are other evaluation procedures available that might incorporate, or adjust for factors such as the sum total of all contaminants of concern? The comment here is that we do not have a number of isolated risk factors to consider but a fairly large array of metals and related contaminants that may or may not work in concert to increase the potential for health impacts due to exposures at rates that may appear below literature benchmarks for individual contaminant exposure rates. Can human health risk estimates be presented as the result of the sum total of all factors or is the process limited to individual estimates of exposure rates for each contaminant?

2) Pages 9-17, Ingestion of Groundwater from Private Wells, discusses the individual metals of concern and the probable impact on human health risk based on estimates of exposure compared to health guidelines. A major point here is underscored by the statement made (and emphasized, last line page 10) regarding the great deal of uncertainty of estimation of past exposures. It is understood that these estimates are based on time averaged highest concentration detected in potential drinking water wells. However, the highest concentration of COC's as measured in groundwater are much greater, several on an order of magnitude (10 times), or more, for a number of factors including Aluminum, Chromium, Cadmium, Cobalt, Copper, Flouride, Iron, Lead, Magnesium, Manganese, Nickel, Sulfate, and Zinc. Other metals including Arsenic, Cadmium, Iron, Manganese, Molybdenum, Zinc, and Flouride, were specifically mentioned as present in high enough concentration to present increased risk to human health, depending on actual amounts present and how much water may have been ingested by people in the past. There seems a very large range of contaminants of concern that may be used for estimation purposes and while water wells used in the past may not have had the concentrations of contaminants as reflected in certain springs, private water wells may well have provided much higher concentrations to an unknowing public or private use than used in the time averaged column 2, Table I, page 10. It is not known at present whether or not private wells are used for drinking water. While it is hoped that this is not the case, it is simply yet to be determined if any private well are in use, if they are contaminated and how much, and whether or not they are used for human consumption. The report states that no contaminated private wells are knowingly in use at present, and, if they were, would probably present some increased risk, depending upon the levels of contamination and the amount consumed. Until all private wells in the Questa area are either tested or capped, it appears that a human health risk (of some arguable albeit notable amount) does indeed exist. The writer is in full agreement with the ATSDR statement, last line of Summary---Ingestion of Groundwater from Private Wells, paragraph three, page 17.

3) Inhalation of Tailings Dust, pages 17-23, present the basic data and assumptions made to estimate the likelihood of past and present risks presented by tailings dust they may have or may be inhaled by people residing or attending school in the vicinity of the tailings facility. Comparison of Figures 3 and 4 on pages 22 and 23, air monitoring data sets for 24 Hour PM 10 Data vs. Hourly PM 10 Data, show significant exeedance of the 24 hour air standard during at least six periods of time when the PM-10 24 Hr air standard, app. 120 ug/m3, is projected onto the Hourly PM10 data set, Figure 4, page 23. While this type of projection may not be totally accurate ie, may not reflect an accurate standard projection on the Hourly data set, it appears to reflect high level peaks, some three to four times the standard, and consistently cyclic wind disturbances in the general area that result in large amount of tailings materials in the atmosphere. Moreover, the report states (page 22) "sensitive populations could experience adverse health effects from short-term peaks in dust, regardless of source." It should be noted that this tailings facility is located next to a middle school, housing children, a group of humans considered at risk to short term health impacts. Page 17, last paragraph, states that Molycorp changed operating practices in the 1990's, reducing uncovered areas and utilizing dust control agents. Molycorp certainly changed operating practices of tailings handling which also included long periods of time of no tailings disposal

(but continued tailings line operation for mine dewatering and contaminated water collected from springs disposal). Depending upon the timing of mill operations and subsequent tailings disposal operations, the tailings facility can see months if not the better part of a year's time without actual tailings deposition. If these time frames coincided with air quality monitoring periods, it would appear that relatively low levels of tailings materials might be found in the local atmosphere, given on-going efforts to reduce the aerial extent and overall friability of those materials on the surface to become air-borne due to blowing wind. The main comment is that air quality monitoring must be a constant and on-going endeavor that can be compared to those times that tailings are actually being deposited, dried, and covered. The on-the-ground practices of dust control are not well understood by all Molycorp personnel,(at least, the key environmental field personnel are not able to describe in detail the handling, disposal, drying, interim dust control, and/or capping of the tailings.) Present air-borne tailings levels are uncertain at best and difficult to confirm given the data sets presented in the ATSDR report, which is most likely all that is available at the present time. Continued emphasis should be made on tailings area air quality and its impact on young school children playing right next to the tailing facility, an obvious high risk group for even moderate, short term impacts to air quality conditions. A statement should be made by the ATSDR as to a long term evaluation of the likelihood of measurable human health impacts given the proximity of the tailings facility, its actual operating practices for disposal, drying, and interim dust control, and the middle school facility, private residents, and Village of Questa.

4) Physical Hazards, page 29, are mentioned only slightly in the document, and only to re-iterate the situation as reported to the agency and public. However, the Physical Hazards of questionable rock slope stability are at the present time and in the past been a considerable concern to a number of citizen groups, (Amigos Bravos, RCRC) state and local agencies, and the mining company. Molycorp's current, major on-going expenditures to evaluate, respond, and attempt to mitigate rockpile movements are obvious evidence in fact that hazards do exist to mine workers as well as the public. Why would Molycorp be spending millions of dollars at the present time if hard evidence of movement did not exist? The Stability Review Committee's efficacy has been considerably undermined by the demise of the Stability Review Board, an independent source of overview as to the state of rockpile stability and the best means to bring the site conditions to a point of reasonable public safety. The mining company's current efforts to stabilize the rock piles are on-going and some time will pass before conclusive results of these efforts can be confirmed (or not).

5) Health Hazard Category---page 38, lists the site as a **Past Public Health Hazard**, and **Future Public Health Hazard**, but sits the fence by not stating the obvious condition in place at the present time. This site most definitely is a **Present Public Health Hazard** , if for no other very good reason that unstable rock piles have been placed by the mining company in places and in configurations that are a menace to public health and commerce. Moreover, the tailing facility is located in proximity to private residents and a school housing young children, an at-risk group to short term, moderate to at times extreme levels of blowing tailings dust. ("extreme levels" referring to hourly averages repeatedly exceeding the 24 Hour average standard by a factor of four. Private water sources throughout the vicinity have been contaminated due to impacts of mining and subsequent Red River water quality degradation. All of these issues reflect a **Present Public Health Hazard**, and are not negated by stating that no hazard exists as long as you do not drink the water or go outside when the wind is blowing.

6) Recommendations, page 39---items (1) and (2) are most definitely critical to minimizing health impacts to the community, but as mentioned above, should not minimize the evidence available that the site is indeed a present human health risk. Item (3) in support of a plan to replace the Village of Questa's water delivery system due to past practices of bedding the water line with mine tailings is fully supported by the RCRC and many citizens of Questa. Additional recommendations the ATSDR might consider include a re-thinking of water use from the Red River, to minimize mine related water consumption during and/or when milling operations are idle, to increase the overall water volume available in the Red River through the reach of the Red from the mill site to the Rio Grande, thus reducing the overall pollution levels in the Red and groundwater aquifers in the vicinity of Questa. Treatment of collected mine water and polluted springs effluent at the mill site, removal of metals and clean water return to the Red River would also increase the overall water volume in the Red and contribute to lowering overall pollution levels. Thirdly, a serious consideration of termination of the tailings facility operation in favor of tailings disposal in the open pit along with a water recycling plan for all milling operations would result in dramatic water volume and quality improvements to the Red River and Questa community.

7) Public Health Action Plan—page 39, might include a concerted effort by the ATSDR to profile the community for health history and disease registry. This will entail a prolonged effort to contact and develop a profile of public health impacts that must include genuine engagement with community individuals over a lengthy period of time. The agency must go to the people to seek this information because many will not openly offer this information to the government agency. Regardless, the agency's outreach efforts must be increased and prolonged if a true picture of community health impacts and public health risk is to emerge.

Kenneth S. Klco
Technical Advisor, RCRC

Hope Buechler
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Arroyo Seco, NM 87514

Agency for Toxic Substances and Disease Registry
Chief, Program Evaluaton, Records and Information Branch – E60
1600 Clifton Road, NE
Atlanta, GA 30333

Re: Public Health Assessment
EPA Facility: NMD 002899094

I want to thank the ATSDR team for having a second go at a Public Health Assessment for Questa and the Molycorp Superfund site. It can't have been an easy task. We're always told that the Molycorp mine presents special difficulties because of the extreme steepness of the mountains; I think you'll agree the village of Questa presents its own set of difficulties—the hesitancy of the residents to come forward, the years gone by since the early, generally undetermined exposures, lack of medical data bases, to name a few.

When I looked at the sources listed at the end of the PHA, specifically those for molybdenum, I realized you had another difficulty to contend with—a paucity of definitive studies. The European Commission's Scientific Committee on Food in its 2000 *Opinion on Tolerable Intake Level of Molybdenum*, states flat out, "There are no well-designed chronic studies in man which can be used for risk assessment." The U.S. NRC has categorized the involvement of molybdenum in the oft-cited 1961 study of Armenian men, as speculative. The Food and Nutrition Board of the Institute of Medicine refers to limited toxicity data for molybdenum in humans.

I examined the sources on molybdenum toxicity cited in the PHA because I thought it possible that the molybdenum/copper antagonism that caused depigmentation in the cattle owned by a Questa man also caused the whitening of that man's children's hair. (p.15) On molybdenum/copper interaction (p.15) the PHA says, "The effect of molybdenum intake on copper status in humans remains to be clearly established..." but in the following paragraph the PHA implies that the effects *have been* established—"Recent studies have reported that molybdenum does not interfere with copper processing in humans...." In the most recent study cited—Turnlund and Keyes, 2000, *Dietary molybdenum: effect on copper absorption, excretion, and status in young men*—"doses of up to 1.5 mg a day showed no adverse effects on copper utilization." (Dietary Reference Intakes for ...Moybdenum, FNB, IOM) However, drinking water from private wells in Questa show a much greater concentration—2.27mg of molybdenum per liter, an amount which could be even higher if more than one liter a day were consumed. (Table 1, page 10) In short, the Turnlund study may not apply in Questa. The PHA should make it clear

that no current studies assessing copper processing in humans address the high level of molybdenum found in Questa wells.

Under Health Outcome Data, the PHA says that a health database would mean nothing in Questa because "contaminant levels ... were not and are not high enough to result in an increased risk of adverse health effects." But research must prove this conclusively—there must be a sufficient number of studies, the studies must be well designed, and all studies must apply. I'm not convinced this is so with current studies on molybdenum toxicity in humans.

I was also interested in the methodological approach in the PHA; studies of contaminant levels and exposure pathways take primacy, actual health situations are hardly considered. It's not as if medical science never works in the other direction, taking stock of human health problems and then assessing or reassessing risk levels of contaminants. Consider radiation and cancer risk. As individuals, from the time of the earliest researchers like Madame Curie, have developed cancer from levels of radiation believed safe, medicine has adapted, steadily lowering approved x-ray dosages, for instance.

As the PHA mentions, no health studies have been done in Questa to see if Questa residents show illness that might be caused by contaminants at the site. But ATSDR must consider this information relevant since ATSDR interviews health professionals, and can authorize epidemiology studies, disease registries, or research on specific hazardous substances. I hope all these can be done in Questa in an expanded site public health action plan, and that we haven't seen the last of the ATSDR team.

Thanks for all your efforts,

Hope Buechler

October 21, 2004

Albuquerque Journal
Sept. 27, 07

# Tempers Flare At Meeting Over Mine

## Questa Residents Show Frustration

By Adam Rankin
*Journal Staff Writer*

QUESTA — Public anger and frustration simmered Wednesday night over seemingly incessant meetings that fail to produce any fix for longstanding environmental and public health concerns over the mountain village's neighboring molybdenum mine.

As they have many times in the last few years, concerned people of Questa gathered in St. Anthony's Parish Center to hear an update from federal agencies investigating potential public health effects from the mine — a Superfund cleanup site and the village's primary economic engine.

But unlike on past occasions, tempers were not so well-controlled.

Residents shot their anger around the room from one federal representative to another, officials from the U.S. Environmental Protection Agency and the Agency for Toxic Substances and Disease Registry.

"Me, as the mayor, I am getting fed up," said Charlie Gonzalez. "Every three or six months you guys come in and give us the same run around."

For the last five years, he said, he and the people of the village have heard the same story about contaminants from the Molycorp mine. EPA and other agencies tasked with evaluating the dangers and extent of heavy metals leached from the mine into the region's ground water always say the results are inconclusive. There aren't enough data, and there isn't enough money to get the

See QUESTA on PAGE 3

# Questa Residents Show Frustration

from PAGE 1

data, Gonzalez said.

But getting that data and coming up with firm conclusions are what federal taxes are supposed to pay for, he said.

Gonzalez went on to question why neither federal agency has gone to the medical clinics in either Questa or Taos to review residents' medical histories, instead relying solely on those who voluntarily provided their files.

"You people need to knock on some doors," he said. "You are putting the community through a lot of stress."

The Agency for Toxic Substances and Disease Registry released a revised report earlier this month that found past exposure to Molycorp mine contaminants in ground water and drinking wells likely caused health problems for some people. But because current exposures have been reduced or eliminated, contaminants pose no threat now, the report states.

The agency agreed to redo a 2003 report that found no negative health effects, because it failed to incorporate public input.

While pleased the agency acknowledged that contaminants likely caused past health problems, people at the meeting challenged the revised findings.

"There are obvious gaps in the study," said Rachel Conn, an organizer and activist for the Taos-based environmental group Amigos Bravos.

She said it might be more dangerous than helpful to release an incomplete study done with inadequate funding.

"I understand people are frustrated, but there is only so much we can do" because of funding and time constraints, said Lisa Hayes, a senior environmental scientist with the disease registry.

The U.S. Environmental Protection Agency is also in the midst of producing a series of reports that will guide its future decision on how to handle the Superfund site and what cleanup it determines is necessary.

Mark Purcell, EPA's project manager for the job, said a final decision won't come until 2007.

"We know that there is ground-water contamination in certain areas," he said, but he added that a final determination hasn't been made.

Molycorp spokeswoman Kirsten Knopfle said Molycorp will do the right thing to ensure community safety but that so far no evidence links potential contamination to current health problems.

Purcell took a barrage of complaints from people at the meeting over how EPA has been gathering data on the extent and nature of ground-water contamination from the mine. People charged that EPA should be more inclusive about which private wells are reviewed and tested for contamination.

Hope Buechler, a member of a group of volunteers that reviews Superfund work at Molycorp called the Rio Colorado Reclamation Committee, said all the wells in the village should be tested, not just 46, to put an end to people's concerns once and for all.

"It shouldn't be that hard — there are less than 2,000 people living here," she said. "It seems preposterous to me."

Purcell tried to assure people that EPA is interested in any well that might help determine the extent of contamination.

By the end of the meeting, resident David Douglas tried to remind people that their ire should be directed at Molycorp, because it is responsible for past contamination.

"These people are here because of Molycorp," he said. "Let's keep the focus where it belongs and keep it there, on Molycorp."

## Patrick Nicholson

**From:** "Ken Klco" <azurite@amigo.net>
**To:** "Patrick Nicholson" <elgaucho@laplaza.org>
**Cc:** <rachellconn@yahoo.com>
**Sent:** Wednesday, February 09, 2005 10:35 AM
**Subject:** tagnm020705inv

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

February 7, 2005

Rio Colorado Reclamation Committee
Patrick Nicolson
Rachel Conn
POBox
Taos, NM

INVOICE FOR SERVICES RENDERED, JANUARY, 2005

January 14th—travel to Red River to attend Stability Review Meeting and mine site tour Jan. 15th.
4 hours @ 50..... $200.00

January 14th—Lodging @ Red River..... $52.00
Meals..... $15.00

January 15th---attend Stability Review Board Meeting at Molycorp mine site, review subsidence issues in relation to rockpile stability and bedrock stability..... 8 hours @ 50..... $400.00

January 15th---mileage Cotopaxi/Red River rt 385 miles @ $0.365..... $135.00

January 20th—attended RCRC board meeting, Taos, NM, 6 hours @ 50..... $300.00
Mileage Cotopaxi/Taos rt 392 miles @ $0.365..... $137.00

January 25th—office hours, review e-mails from MMD re: Norwest subsidence and slope stability evaluation, design changes to Goat Hill North mitigation work, teleconference notes....
.....4 hours @ 50..... $200.00

January 31st---office hours, e-mail correspondence, review notes from past teleconference re: Failure Mode Analysis data development progress, 2 hours @ 50..... $100.00

Total this Invoice..... $1539.00

Please Remit To:

Azurite, Inc.
P.O. Box 338

# TAG Quarterly Progress Report

**Date:** 11/15/04
**Report Number:** 8
**Report Period:** 7/1/04 - 9/30/04

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisors:** Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisor submitted the following documents:
  - Letter to Mr. T.G. Foreback, Senior Environmental Engineer Mining Act Reclamation Section o f the NM State Mining & Minerals Division, regarding the Questa Tailing Facility permit modification proposal
  - Report to RCRC on the ATSDR Public Health Assessment for use in the upcoming Newsletter.
  - Report on Technical Advisor Activities 3rd Quarter 2004 from Technical Advisor, Ken Klco.
- Board of Director's Meeting was held on September 21, 2004.
- Entire board met with ATSDR representatives prior to the ATSDR September 22 public meeting in Questa to clarify their position and communicate their concerns on the new Health Assessment. The board also worked with ATSDR on the public meeting format to best meet the needs of the Questa community.
- The new ATSDR Health Assessment is posted on the RCRC web site. The web site address is www.rcrc.nm.org
- The TAG commented on two issues that received extensive local press coverage: the resignation of the Stability Review Board & the new ATSDR report.
- Once again, the group distributed several hundred copies of the RCRC Quarterly Newsletter, "Cuentos del Rio" via the US mail and will make available at the upcoming community meeting.

**Difficulties Encountered:**

Summer schedules and vacations slowed activity this quarter. With the Strategic Planning Retreat anticipated in early fall, action should once again proceed briskly.

The slow delivery of the ATSDR report prior to the September meeting prevented careful study and comment.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- Letter to Mr. T.G. Foreback, Senior Environmental Engineer Mining Act Reclamation Section o f the NM State Mining & Minerals Division, regarding the Questa Tailing Facility permit modification proposal
- Report to RCRC on the ATSDR Public Health Assessment for use in the upcoming Newsletter.
- Report on Technical Advisor Activities for the 3rd Quarter 2004.
- Latest edition of the RCRC Quarterly Newsletter, "Cuentos del Rio".

**Activity Anticipated in the Next Quarter:**

- Sending the RCRC Technical Advisor to Technical Working Group and Technical Review Committee meetings.
- An RCRC Strategic Planning Retreat is tentatively re-scheduled for early fall.
- Another edition of the RCRC Quarterly Newsletter, "Cuentos del Rio".
- Additional board and community meetings are expected.
- Written comments on the ATSDR report by both the TAG board and individual members.
- RCRC Technical Advisor will comment on any draft or final documents released by the USEPA or other relevant parties.

**ASAP Drawdowns:**

One draw down was requested this quarter on July 14 for $3,049.87. The total drawdown for this grant at the end of the 3rd quarter 2004 is $26,932.88. This is matched by $5,386.58 of in-kind contributions by the RCRC TAG.

**Molycorp DRAFT Health Education Needs Assessment**
**Conference Call Meeting Minutes**

**Date:** October 29, 2003
**Time:** 9:00am -10:00am (MST); 11:00am-12:00pm (EST)

**Participants:** Kris Larson, Erica Archuleta, Jill Dyken (ATSDR); David Douglas, Karen Douglas, Roberto Vigil, Cynthia Rael-Vigil, Rachel Conn, Steve Blodgett, Brooke Tatum, Marsha Reddell, Hope Buechler (RCRC Members)

**Purpose:** To gain input from the community on the DRAFT Health Education Needs Assessment and future Health Education activities in the Questa area.

**Moderator(s):** Kris Larson and Erica Archuleta

**General Issues/Topics**

- Introductions of All Participants
- It was suggested that ATSDR set-up an office in Questa so that the community can talk directly to agency representatives. The suggestion was supported by others on the call. It was stated that community members were reluctant to speak anonymously to people whom they were not familiar with. Community members have sent letters to Congress requesting funding for support of an office. ATSDR is copied on the letter.

**Areas of Concern**

- Water system backfilled with tailings (it is noted that breakage resulted in de-pressurization resulting in infiltration into water). This area of concern will be added to page 4 of draft health education needs assessment. This comment was supported by another community member on the call.
- Past Exposure. Community member on the call stated that water lines go back 30 years and there have been many breaks. The community wants to know if it is possible to have studies on past exposures.
- Tailings as backfill. The community is interested in obtaining information regarding how common the use of tailings as backfill was in the late 1960's – were they used at other mine sites
- Crop absorption of contaminants. Irrigation water comes from acequias (irrigation ditches).
- Water system. The water system is a significant concern of community members. The RCRC board is not aware of any documentation of the layout of the water system.

**Health Education Needs**

- Train the trainer activities as a method to achieve health education goals.
- Training on types of diseases and conditions, related to possible exposure.
- Increase community understanding of: water treatment processes; bio accumulation; dermal exposure from showers; contaminants of concern, and possible health effects associated with the contaminants of concern.
- Financial support for health education activities

**Action Items**

- Provide Kris and Erica with at least three time slots in which to plan the next conference call – Karen
- Send CDs of ATSDR Tox Profiles to Karen – Erica
- Contact Village – Kris and Erica
- Send White Paper on Biota to David – Kris and Erica
- Finalize date for call and agenda – Erica

TAG file

David Douglas
<douglas@nm.net>
10/26/2004 01:52 PM

To: douglas@nm.net
cc:
Subject: Newsletter - Rio Colorado Reclamation Committee

Greetings All --

Attached is the newest issue of "Cuentos del Río", the newsletter of the Rio Colorado Reclamation Committee.

This newsletter is also available on our website by going to http://rcrc.nm.org/ and clicking on "RCRC Repository" then "Cuentos del Río".

Hard copies of our newsletter were mailed out on October 19, 2004.

Please let us know if you have any questions or comments about our newsletter or anything else about the work of the Rio Colorado Reclamation Committee.

Thank you.

The RCRC

Río Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556
info@rcrc.nm.org

2004-4th-qtr-newsletter.pdf

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Río Colorado Reclamation Committee

# Cuentos del Río

El Río es Vida! - The River is Life!

Vol. 2 No. 2 Summer/Fall 2004

**"AS MY ANCESTORS KNEW, THE MOUNTAINS ARE GENEROUS, BUT THEY NEED SOMETHING GIVEN BACK TO THEM."** — Antonio Trujillo, *Taos News,* July 31, 1988.

Last month the Agency for Toxic Substances and Disease Registry came to Questa to present their Public Health Assessment. The report is significant, and RCRC is devoting the entire newsletter to it.

## ATSDR Public Health Assessment—Questions And Answers

### WHO IS THE ATSDR AND WHAT ARE THEY DOING IN QUESTA?

The Agency for Toxic Substances and Disease Registry is part of the U.S. Department of Health and Human Services. When the Molycorp mine was listed as a Superfund site, the ATSDR was required by law to come to Questa to find out if people are exposed to toxic substances, whether those exposures are, were, or could be harmful, and to make recommendations on what to do.

### WHAT WERE THE ATSDR CONCLUSIONS?

The ATSDR categorized the area in and around Questa as:

A **Past Public Health Hazard**: based on estimated past exposures to toxics in private well water (arsenic, cadmium, iron, magnesium, manganese, molybdenum, zinc, fluoride or sulfate), and to past exposures to dust blowing off the tailings piles.

A **Future Public Health Hazard:** based on the possibility that people may use contaminated wells, that tailings dust may not controlled, or that waste rock stability may not be addressed.

**No Apparent (present) Public Health Hazard:** based on indications that currently no one is using contaminated wells, and that current dust levels are within air standards.

### DOES THE RÍO COLORADO RECLAMATION COMMITTEE AGREE WITH ATSDR FINDINGS?

No, the RCRC disagrees with the ATSDR on several points.

**First,** RCRC asserts that unstable rock piles at the mine site create a **present public health hazard.** Mitigation work to hopefully arrest downward movement is underway , but not complete.

**Second,** the RCRC does not agree with the ATSDR's assessment of no adverse health impacts from tailings dust. Occasional high intensity winds and subsequent tailings exposures, are not reflected in the exposure rates used in the study, and may be a **present public hazard.**

**Third,** RCRC believes that contaminated wells and tailings embedded water lines are a **present public health hazard.**

**Fourth,** RCRC believes the agency has not completed an adequate study of Questa's health history. RCRC believes the agency should speak to more residents, and to area health care providers.

### BASED ON ATSDR RECOMMENDATIONS, WHAT CAN A RESIDENT DO TO MINIMIZE EXPOSURE TO CONTAMINANTS IN WATER AND AIR?

1) If you drink water from a private well, have it tested at least one a year for metals and related contaminants.
2) If you find that your private well is contaminated, do not use this source of water for drinking and, if possible, de-commission the well.
3) If you have a respiratory related illness, are older, or a child, minimize your exposure to blowing dust from tailings. The ATSDR advises all citizens to stay indoors during episodes of high winds and high dust levels in the vicinity of the tailings facility.
4) Thoroughly wash all produce that may have been exposed to dust, irrigation water, or private well water.

### IS THE QUESTA VILLAGE WATER SUPPLY SAFE?

RCRC has concerns about the safety of Questa's drinking water since the water lines are buried in tailings. A number of citizens have reported health problems that could be related to heavy metal contamination. RCRC supports the village of Questa's substantial efforts to replace the water lines.

The ATSDR agrees with the New Mexico Environment Department that the Questa Village's water supply is safe for drinking, as there has been no positive identification of tailings in the Questa water supply. However ATSDR supports replacing all municipal water lines bedded in tailings.

### *NEED FOR HEALTH STUDIES IN QUESTA*

When the ATSDR presented their Public Health Assessment at the recent community meeting in Questa, Mayor Charlie Gonzales wondered why ATSDR hadn't visited medical clinics in Taos or Questa. It was a fair question; the Public Health Assessment states that the "... ATSDR actively gathers information and comments from people who live and work near a site, including ... health professionals." Getting a handle on the health situation of Questa residents should be the next step in completing the Assessment. There is much ATSDR can do—authorize disease registries and pilot studies of health effects, for instance.

### RCRC URGES RESIDENTS TO COMMENT ON THE PUBLIC HEALTH ASSESSMENT

Mayor Gonzales also told ATSDR, "You people need to knock on some doors." Unfortunately ATSDR was unable to do this, citing limited resources; they said they depend on the community to bring information to them. It's not too late to do this since the report is a draft. Public comments will be accepted postmarked October 22nd.

*Written* comments go to:
Chief, Program Evaluation, Records and Information Branch
ATSDR
1600 Clifton Road, (E60)
Atlanta, GA 30333
*Telephone*: Jill Dyken or Debra Joseph 1-888-422-8737

---

## Contact Information for Molycorp Mine Issues

**U.S. EPA**
Mark Purcell
EPA, Region 6 (Dallas)
214-665-6707

**ATSDR**
Debra Joseph
(888) 422-8737

**New Mexico Environment Dept**
Mike Reed, Molycorp Permit Lead
Ground Water Quality Bureau
505-827-2340

Al Pasteris, Surface Water Bureau
505-827-2575

Jerry Schoeppner, Chief, Ground Water Quality Bureau
505-827-2919

Sandra Ely, Chief, Air Quality
505-827-1494

Ron Curry, Secretary, NMED
505-827-2855

**Mining and Minerals Division**
Holland Shepherd, Program Manager
505-476-3437

Karen Garcia, Bureau Chief, MMD
505-476-3435

Bill Brancard, Director, MMD
505-476-3405

**Elected Officials**
Congressman Tom Udall
505-984-8950 (Santa Fe office)

Senator Jeff Bingaman
505-988-6647 (Santa Fe office)

Senator Pete Domenici, Sr.
505-988-6511 (Santa Fe office)

State Senator Carlos Cisneros
505-586-0873 (home)

Mayor Charlie Gonzalez, Questa
505-586-0694 (office)
505-586-1589 (home)

Governor Bill Richardson
(Contact: Hillary Tompkins, Deputy Counsel)
505-476-2222

**Other Contacts**
Tom Gorman, Office Of Emergency Management
505-476-9600

Ben Neary, Reporter
*Santa Fe New Mexican*
505-986-3035

Bobby Magill, Reporter
*Taos News*
505-758-2241

**Questa Community Meeting** – Thursday, November 4 at 6:30pm, La Cienega Community Center

Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico.

P.O. Box 637 • Questa, NM 87556

RECEIVED
04 NOV 22 PM 3:16
PROGRAMS ADMIN BRANCH

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

October 7, 2004

Rio Colorado Reclamation Committee
Rachel Conn
Patrick Nicholson
P. O. Box 637
Questa, NM 87556

THIRD QUARTER 2004 ACTIVITIES REPORT

JULY, 2004---No Activity

AUGUST, 2004---No Activity

SEPTEMBER, 2004---Received and reviewed ATSDR Public Health Assessment document for comment prior final draft.

September 21st—Attended Technical Working Group Meeting at Molycorp site to address Tailings Facility Closure/Close Out Plan modification proposal. Reviewed Molycorp document and responded with comment letter(attached).

September 21st---Attended RCRC Board Meeting in Taos, NM, to review past several months of site developments, upcoming meetings, deadlines, report on Technical Working Group meeting.

September 29,th, 30th, worked on response documents to ATSDR public health assessment, TWG Tailings Facility proposal, and materials for upcoming RCRC bulletin as directed.

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223

October 1, 2004

Rachel Conn. Administrator
Rio Colorado Reclamation Committee
PO Box 637
Questa, NM 87556

RE: RCRC NEWSLETTER—ATSDR PUBLIC HEALTH ASSESSMENT QUESTIONS/ANSWERS

1) WHO IS THE ATSDR AND WHAT ARE THEY DOING IN QUESTA?
The Agency for Toxic Substances and Disease Registry is part of the United States Department of Health and Human Services Public Health Service. When a site is listed on EPA's National Priorities List, like the Molycorp mine and tailings facility, the ATSDR is required by law to perform a public health assessment. The agency's tasks include finding out if people are exposed to hazardous substances, whether that exposure is harmful, and what to do about it.

2) WHAT WERE THE ATSDR CONCLUSIONS?
The ATSDR categorized the areas in and around Questa, New Mexico as a **"Past Public Health Hazard"** based on estimated past exposures to arsenic, cadmium, iron, magnesium, manganese, molybdenum, zinc, fluoride or sulfate in the private well water or from particulate matter blowing off of the tailings piles. Without future regulation and control actions in place, the ATSDR considers the area a "**Future Public Health Hazard**". However, as long as contaminated wells are not used for drinking and effective dust control measures are continued at the tailings facility, the ATSDR states that the Molycorp site poses **No Apparent Public Health Hazard at the present time.**

3) WHAT CAN I DO TO MINIMIZE EXPOSURE TO CONTAMINANTS?
The ATSDR states that **"No adverse health effects are likely today as long as people avoid drinking contaminated well water."**

4) SHOULD I BE CONCERNED ABOUT TAILINGS DUST BLOWING AROUND THE QUESTA AREA?
The ATSDR calculated that short and long term exposures rates of contaminants in tailings dust were not high enough to result in adverse health effects. However, "intermittently high dust levels in the past could have resulted in short term eye and respiratory irritation and increased risk of respiratory problems in sensitive groups (people with asthma or other respiratory irritation and an increased risk of respiratory disease, the elderly, and children.)"

The ATSDR advises all citizens to stay indoors during episodes of high winds and high dust levels in the vicinity surrounding the tailings facility, including the Alta Vista Elementary School.

5) IS THE QUESTA VILLAGE WATER SUPPLY SAFE?

The ATSDR agrees with the State of New Mexico Environment Department's determination that the Questa Village's water supply is safe for drinking and stated that, while there have been no instances of positive identification of tailings in the Questa water supply, even if enough tailings were in the water to make it cloudy, it would still not exceed safe drinking water standards.

6) WHAT OTHER RECOMMENDATIONS WERE MADE TO IMPROVE THE HEALTH AND SAFETY OF QUESTA RESIDENTS?

The ATSDR stated support of the planned replacement of all municipal water lines bedded in tailings material in order to "improve the community's acceptance of Questa's water supply."

7) DOES THE RIO COLORADO RECLAMATION COMMITTEE AGREE WITH ATSDR FINDINGS?

**No, the RCRC does not agree with the ATSDR on several points.** First, the RCRC will petition the ATSDR to change their characterization of the present site conditions to **"A Current Public Health Hazard"** based on that fact that unstable rock piles have been identified at the mine site which are currently undergoing mitigation work to hopefully arrest downward movement and minimize an **existing public health hazard.**

Second, the RCRC does not agree with the ATSDR's assessment of no adverse health impacts based on the exposure rates and dosage estimates made at this time. Occasional High intensity wind events and subsequent tailings exposures are not reflected in the exposure rates used in the study. Third, the agency has not completed an adequate study of the Questa community's health history to compare to as many as 29 contaminants known to exceed Comparison Values for Drinking Water present in ground water samples, 16 contaminants identified in tailings exceeding Comparison Values for Soil, and 18 contaminants identified in surface water or seeps exceeding Comparison Values for Surface Water. A number of contaminants such as Iron and Aluminum exceed Comparison Values by ten times and up to forty times the standard levels.

8) WHAT IS THE ATSDR PLANNING ON DOING IN QUESTA IN THE FUTURE?
The actions planned by the agency include "continued work with federal and state environmental agencies to review the results of future investigations as necessary." Upon request, ATSDR's Division of Health Education and Promotion will provide health-related educational activities to the community.

9) BASED ON ATSDR RECOMMENDATIONS, WHAT CAN A RESIDENT DO TO MINIMIZE EXPOSURE TO CONTAMINANTS?

1) If you drink water from a private well, have it tested at least one a year for metals and related contaminants.
2) If you find that your private well is contaminated, do not use this source of water for drinking and, if possible, de-commission the well.
3) If you have a respiratory related illness, are older, or a child, minimize your exposure to blowing dust from tailings.
4) Thoroughly wash all produce prior to consumption that may have been exposed to dust, irrigation water, or private well water.

10) ARE FISH FROM THE RED RIVER SAFE TO EAT?

The ATSDR referred to an EPA bulletin from 2003 stating that no elevated levels of metals were found in the tissue of fish sampled from the Red River, with the exception of high arsenic levels, derived from fish food used at the hatchery. This type of arsenic is an organic form not hazardous to humans. The ATSDR report did, however, note that fish kills along reaches of the Red River have been attributed to spills of tailings or other mine related contaminants(p.29).

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

September 27, 2004

Mr. T.G. Foreback, P.E.
Sr. Enviromental Engineer
Mining Act Reclamation Section
State of New Mexico Mining and Minerals Division
1220 South St. Francis Drive
Santa Fe, NM 87505

Dear Mr. Foreback,

Thank you for the opportunity to attend the recent Questa Tailings Facility permit modification Proposal meeting held at the Molycorp site on September 21st. It was most helpful to visit the tailings disposal facility and review aspects of the permit modification proposal with Molycorp personnel and consultants. I have several comments and concerns I wish to express regarding the process for consideration of permit modification.

1) While I am aware that the informational meeting was limited in its time available to both visit the site and review documentation to any great degree, I must admit my confusion with the fact that we did not have the opportunity to review any reclamation work, test plot or otherwise, that was performed to standards set by the existing permit. I'm not sure if this fact bothers the your agency to any significant extent, but it seems that at a minimum, any review of field performance should include an example of that work performed to standards developed and agreed upon by all groups party to the existing permit. In the event that Molycorp feels that vegetative efforts are successful with less than three feet of capping in place, they should be able to show a comparative result with test plots or demonstration areas, or whatever they wish to call it, to reclaim areas built to specification based on the standard set in the existing permit. Obviously, they have decided not to perform even minimal test plot work based on the standard in order to support their desired outcome. They have arrived at this outcome not by unbiased science, but by distinctly biased decision making before the fact. They have decided that one foot of cover will be "good enough" and intend on showing the agencies and public interest that it is indeed so. While I do not take exception to the fact that vegetative establishment has been accomplished on less that the standard three feet of capping material, I most certainly question the validity of having no comparative results on site to support statements concerning diversity, self-sustainability, or plant growth limitations or differences due to soil capping depth. One can only surmise that the real question is –"is nine to eighteen inches of soil cover good enough?"

2) Vegetative success is certainly based on more than the fact that a number of species have persevered at the site over a period of time. There are relative differences to stands of plants that might be compared-- such as biomass production, ground cover and soil protection from erosion, nutrient uptake and transfer capacity to wildlife, metals uptake and transfer potential to wildlife, plant stand density and relative durability to erosion, disturbance via man or animal, and I'm sure other factors not mentioned here that simply cannot be realistically compared if no comparisons are put in the field. For instance, we have no way of knowing the extent and impact of animal related impact such as gopher excavation to the overall vegetative performance compared to thicker capping areas unless these plots are out there to view. Certainly there is some extent of impact on the shallow capping areas, where gopher digging has brought tailings materials to the surface, notable for its texture, color and complete inhibition of vegetation. The point here is that the mere existence of vegetation on the site should not alone determine the effectiveness of reclamation whose goal is the re-establishment of a self-sustaining ecosystem at the site. My first impressions of site(s) re-vegetation efforts were not nearly as "exceptional" as our hosts' comments would reflect. A number of the plant specimens were not robust but showed signs of stress and limited development. Young seedling specimens that would be evident from older plants reflecting viable seed production and natural progress of species numbers were not present in notable numbers. It is likely that future vegetative measurements will shed light on these important factors used to evaluate the actual long term success or lack of vegetation work using nine inches to eighteen inches of soil for capping.
3) The capping medium itself might be of questionable texture for reclamation purposes due to high permeability. Thin layers (less than 2 feet) of the gravel rich zones used for planting medium are unlikely to perform well as far as moisture retention and reasonable seed bed material. There appeared to be quite a range of particle size and textures to the soils identified for use as capping material. Some of the very gravelly material could hardly be termed topsoil. It is no surprise that the tailings material may perform as well or better in water holding capacity than the gravelly alluvium material identified as topsoil. The existing soil capping depth standard of three feet might help to compensate for zones of higher than desired permeability rates. How can we know if considerations related to soil percolation rates vs overall soil depths are reasonably valid without field test comparisons? Lysimeter studies are underway (and not completed ), but field comparisons of vegetative results are not. Is this work not specifically called for in the existing permit requirements?
4) No mention is made of man related disturbance and/or erosion potentials over long periods of time after reclamation work is complete. Capping material depths of less than one foot will almost guarantee exposure of tailings if the area is ever subject to vehicular traffic including ORVs. This management aspect is one that should not be dismissed as a fencing issue. Vehicular traffic of some type in the future is nearly certain. One relatively small, albeit intense, storm event has the potential to remove well more than nine inches of cover from this area. Vegetation establishment, while an important factor in gauging reclamation success, is not the only factor to consider in approving a change in the existing standard.

5) The reclamation plan submittal states (page 8, para 3) that the tailings would remain circum-neutral in perpetuity. Is this statement supported by leach test results? Are metals release anticipated in the event that lime additions to mine dewatering operations are suspended or reduced? Capping systems must address the long term aspects of water infiltration, potential for pH change over time, and associated metals mobility as well as relatively short term vegetative establishment capability. The reclamation plan submittal as written does not appear to address the longer term issues.
6) The plan's reference to changing cover depths to enhance diversity in plant communities planned for is interesting in concept albeit vaguely explained. It does bring up the subject of the handling, drying, final grading and working of the tailings. More information is requested regarding the process of tailings deposition, drying, dust control during the drying process and dust control measures planned during the final grading and capping operations. It is assumed final grading of the tailings will be necessary to create "high" spots vs. "low" spots prior to thicker applications of capping material on lower areas vs. thinner capping material application on the higher areas. How will this work be performed while minimizing dust impacts in the vicinity of the tailings impoundment? A detailed review of the existing dust control plan and its expected changes to facilitate the final re-grading and capping plan would be very helpful.
7) Livestock grazing was most likely a primary land use prior to tailings disposal in this area would likely resume as the primary land use if not for concerns of molybdenosis via ingestion of biomass grown on the site. While mule deer are reported to be more resistant to these toxicities, one must question the long range impacts and land use values that underscore the justification for capping depth needs based solely on plant survival rather than potential food chain impacts.

In conclusion, while plant communities appear to survive and persist on relatively thin capping layers of native "soils", other factors should be considered by the agencies prior to approval of a major change in the reclamation plan for the Molycorp tailings facility. Long term aspects of the site need to be weighted over relatively short term considerations. A diverse (but stressed) community of plants providing sufficient ground cover (although marginally toxic) plant material to wildlife is certainly not successful reclamation. The writer advises caution and resistance to major capping depth change based on the information available at this time. At the very least, one should consider this simple question-- "What does the written specification call for?"

KS Klco
Consulting Geologist
Technical Advisor, RCRC

CC: 1. RPM - Purcell
2. Repository
3. SF File Room
4. TAG File

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PROGRAMS MGMT BRANCH

# TAG Quarterly Progress Report

**Date:** 8/13/04
**Report Number:** 7
**Report Period:** 4/1/04 - 6/30/04

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisors:** Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisor submitted the following documents:
  - *2nd Letter to the EPA (Mark Purcell) on April 7 Requesting Action and a Response on Petrochemical Waste Spills & Tailing Used as Bedding for the Town of Questa Municipal Water System*
  - *Report on May 19th & 20th USGS Baseline Studies Progress Meetings held in Santa Fe, NM*
  - *Report on Technical Advisor Activities 2nd Quarter 2004* from Technical Advisor, Ken Klco.
- Board of Director's Meeting was conducted: April 3, 2004.
- Two half-hour radio shows were recorded and aired on KRZA, a local community radio station, involving the RCRC. The first show had four RCRC Board Members discussing the Superfund RI/FS investigative process, the TAG, and how listeners could become involved. The second show, which was aired twice due to positive feedback, was an edited version of the June 22nd EPA Community Meeting in Questa. This show focused on questions raised by community and RCRC members.
- Organized and sponsored a community meeting regarding the Molycorp superfund process and other issues related to Molycorp on April 22, 2004. There was good local attendance, which elicited significant community feedback. A follow-up of the questions/issues for the last community meeting were addressed. Technical Advisor briefed the audience on issues and areas of concern.
- Distributed several hundred copies of the RCRC Quarterly Newsletter, "Cuentos del Rio" via the US mail and at the April 22 Community meeting.
- Several RCRC members attended and participated at the June 22nd EPA Community Meeting in Questa
- Continually added and updated TAG mailing list.

- The RCRC website was once again updated to include the latest activities and information. The web site address is: www.rcrc.nm.org.

**Difficulties Encountered:**

The lack of response for the EPA Remedial Projects Manager to a letter dated February 23 and April 7 Requesting Action on Petrochemical Waste Spills & Tailing Used as Bedding for the Town of Questa Municipal Water System. EPA apparently is not considering tailing bedding material in the Town of Questa water system within the scope of the Superfund RI/FS investigative process.

Discouragement by the RCRC TAG as the EPA may decide that the site is safe and thus not require clean-up.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- *2nd Letter to the EPA (Mark Purcell) on April 7 Requesting Action and a Response on Petrochemical Waste Spills & Tailing Used as Bedding for the Town of Questa Municipal Water System*

- Report on *May 19th & 20th USGS Baseline Studies Progress Meetings* held in Santa Fe, NM

- *Report on Technical Advisor Activities 2nd Quarter 2004* from Technical Advisor, Ken Klco.

- Community Meeting flyers, newspaper notice, and agenda.

- Latest edition of the RCRC Quarterly Newsletter, "Cuentos del Rio".

**Activity Anticipated in the Next Quarter:**

- Sending the RCRC Technical Advisor to Technical Working Group and Technical Review Committee meetings.

- An RCRC Strategic Planning Retreat is tentatively scheduled for late summer.

- Another edition of the RCRC Quarterly Newsletter, "Cuentos del Rio".

- Additional board meetings are scheduled.

- RCRC Technical Advisor will comment on any draft or final documents released by the USEPA or other relevant parties.

**ASAP Drawdowns:**

One draw down was requested this quarter - on May 7 for $2,396.61. The total drawdown for this grant at the end of the 2nd quarter 2004 is $23,838.01. This is matched by $4,767.60 of in-kind contributions by the RCRC TAG.

April 7, 2004

Mr. Mark D. Purcell, Remedial Project Manager
Superfund Division
US Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Mr. Purcell,

On February 23, 2004, I wrote you a letter outlining RCRC concerns regarding issues at the Molycorp Superfund site near Questa, NM. During our telephone conversation in early March, I understood your intention to respond to the letter via e-mail correspondence. I have not yet received any correspondence from you regarding Rio Colorado Reclamation Committee concerns and must assume from comments made that you really need not respond at all. This situation is disconcerting to all members of the RCRC and underlines a significant rift in our mutual understanding of the TAG committee's purpose and function.

Section 1 of Article III of the Articles of Incorporation of the RCRC states that "the corporation is organized for the purpose of remediation of surface waters, groundwaters, air quality and land surfaces negatively impacted by the operation of the molybdenum mine in Questa, NM. The corporation is also committed to discovering if any action taken directly or indirectly by the molybdenum mine in Questa, NM, it's management or agents, has, is, or might in the future negatively impact public health or welfare." The article goes on to state that "the organization will work to obtain assistance in interpreting technical information generated during the EPA RI/FS investigative process at the mine site and surrounding areas, as well as during the actual EPA superfund cleanup process at the site and is committed to respecting, protecting, and restoring the cultural, economic and ecological well-being of the affected community."

It appears that the actions of the RCRC in regards to their mission are well within the guidelines of their intended and stated purpose. At the early stages of EPA involvement at Questa, there were several community groups who expressed interest in forming a TAG group. The RCRC was the only one that stepped up, organized, and formulated the necessary components to meet TAG requirements and receive funding for technical assistance.

It is unfortunate and absolutely wrong that RCRC concerns as expressed to the EPA are now minimized as statements from a less than legitimate community organization—a TAG funded group. The RCRC is a legitimate community based organization composed of Questa landowners who have lived with these issues for decades and who rightly deserve an open ear and mind from all public health officials including the EPA. As a TAG funded group---especially the EPA! At the very least, RCRC correspondence should be given the same courtesy of any contact with the public, ie, a response, in writing.

It is important that Questa superfund remedial site management understands the tenacity and commitment of this community-based group. The RCRC does not expect to be in full agreement with each decision made by site management during the RI/FS process, nor should it have to be. However, it does expect a reasonable and respectful consideration of concerns and this certainly includes a timely response to written requests. Once again, the main areas of concern as expressed in my February 23 letter...

1) Hydrocarbon dumping was a common practice at the site for a number of years, confirmed by several former employees. Is the Remedial Investigation making progress in identifying the positive hydrocarbon spikes noted during the review of early data as reported at the Community Quality Coalition meeting held in Questa in August, 2003, by EPA consultant? Has the common practice of dumping milling lubricants and solvents into the tailings sump(with subsequent deposition in the tailings facility) been thoroughly investigated? Does the mine operator keep and retain records regarding petrochemical disposal and/or recycling? Are they available for public scrutiny?

2) There are presently two distinct locations (Hunt's pond and Vigil residence) where the Questa Village water line is known to have mill tailings used as bedding material (in direct contact with village water line.) Has (or will) the remedial investigation process addressed the question of how much of the village water system has tailings in direct contact with water line? What risk does this condition pose to the health and well being of the citizens of Questa? Under what conditions of age, back pressure phenomena, and water line failure history does the risk of village water system contamination become great enough to pose a threat to public health?

The RCRC believes that the questions listed above are legitimate concerns expressed by a legitimate community group who expect and deserve a timely response. Please do so at your earliest opportunity.

Kenneth S. Klco, TA, RCRC

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

June 20, 2004

Rio Colorado Reclamation Committee
PO Box 637
Questa, NM 87556

RE: MAY 19TH, 20TH, USGS BASELINE MEETING, SANTA FE, NM

USGS Baseline Progress Report meeting held at NMMMD offices, Sante Fe, May 19th and 20th, covered the status of a number of USGS studies initiated in the past three years for the development of baseline geologic and geochemical input from the current mine site to the Red River system, adjusted for pre-mining conditions, or in other terms, as a function of natural scar and terrain conditions that most probably existed before mining disturbance. The primary method of estimation of pre-mining conditions of loading to the Red River will be calculated from the study of an analog site (Straight Creek), located just upstream from the mine site with similar conditions of terrain, geology, watershed parameter, and geochemical weathering phenomena.
These results of metal(s) and other weathering related material loading to the Red River will likely be adjusted for differences of the analog site vs. mine site using water quality data from the mine site reaches of the Red River.

During this meeting, a first time discussion ensued of the process by which estimates for a range of pre-mining conditions within the mine site will be formulated to gauge the overall pre-mining conditions. M. Reed (NMED) noted that the process will proceed as follows:
1) USGS will produce a range of concentration estimates for each sub-basin, zone, or original scar area based on field measurement of actual area and analog comparison.
2) NMED will consider comments from Molycorp, Amigos Bravos, other community comments regarding these estimates.
3) NMED will decide on one number concentration background (baseline) number to represent each sub-basin, zone, or original scar area.

A lively discussion ensued regarding the pros and cons of this process, including the disagreement by Cristof Wells of the efficiency of loading vs. concentration calculations and its impact on overall pre-mining baseline estimations. Given comments made, it appeared to the writer that estimates may well be adjusted up to the highest of estimate ranges in any given sub-basin and quite probably to higher of any estimates along the entire reach in order to keep the overall estimate of pre-mining loading to a level acceptable to reviewers. After review of water quality information and lengthy discussion of a number of metals models including Al, Fe, Zn,

some

Conclusions were made regarding the USGS's expectations of final results, including:

1) USGS feels that all conservation and reactive constituents can be modeled with good precision.
2) Sorption modeling has identified evidence for Cu and Zn removal by sorption to particulate Fe in the water column.

It was stated that basically pH changes cannot be accurately modeled. Given these limitations, the USGS feels that they can characterize the quantity and substance of input parameters along the mine site reaches of the Red River and will characterize and identify those processes that impact the Red River quality.

A list of studies that are in peer review and various stages of completion were handed out and review for completion dates. It appears that by the end of 2004, all sixteen of the most critical studies will be completed and published. Most should be available on line within the next two months.

KS Klco
Technical Advisor
RCRC

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

July 12, 2004

Patrick Nicholson
Rachel Conn
Rio Colorado Reclamation Committee
PO Box 637
Questa, NM 87556

2nd QUARTER ACTIVITY REPORT, 2004

April, 2004

4-7-04 correspondence with EPA, petroleum spills and tailings sampling plan, letter to M. Purcell on file.

4-20, 21-04 review Historic Spills Sampling Plan document, prepare presentation notes for community meeting presentation, notes attached.

4-22-04 attended Community RCRC meeting, presented comments on Spills, Sampling Plan work progress, Stability of Rock piles information.

May, 2004

5-19,20-04 Attended USGS Progress Report meeting, Santa Fe, NM, at MMD offices.

5-24-04 Reviewed USGS progress report information, notes from meeting. Report filed with RCRC June 20th.

June, 2004

6-19-04 Review correspondence in preparation for community meetings.

6-21-04 Attended Questa Community Coalition Meeting, La Cienega, Questa, NM.

6-22-04 Attended EPA Questa Community Information Update Meeting, St. Anthony's Community Center, Questa, NM.

children and senior citizens. Call 505-579-4214.

PEÑASCO

**Art for the Heart Studio,** health through creativity, free to the community, walk-ins welcome, across from Peñasco post office, 10 a.m-noon Thursdays, art for anyone; 12-3 p.m. Thursdays, women only; 3-5 p.m. Friday, teens only; other days by appointment. Groups welcome, studio/gallery open weekends. Call Jean, 505-587-0202.

**Healing Our Grief,** support group for anyone experiencing loss of loved one; books, information and videos available, 7 p.m. first Thursday of month, Guadalupe Center kitchen. Call 505-587-1066.

**Peñasco Toy Lending Library,** free toy-lending library for anyone who has or works with children 8 or younger, Monday, Thursday and Friday, 4:15-5:45 p.m., Vadito Headstart. Call 505-758-1395.

PICURIS

**Alcoholics Anonymous,** 7 p.m. Thursdays, Picuris Pueblo in the Tribal Administration Building. Call 505-587-2519.

QUESTA

**Community Meeting,** Río Colorado Reclamation Committee hosting meeting on Superfund process at Molycorp mine site, 6:30 p.m. today (April 22), La Cienega Community Center. Visit www.rcrc.nm.org.

**Junior and Senior High Art Show,** artist-of-the-month show features work by art, computer graphics, wood shop and welding classes. Reception 6 p.m. Friday (April 23), Artesanos de Questa Cultural Center. Call 505-586-0443.

**Questa Toy Lending Library,** free toy-lending library for anyone who has or works with children 8 or younger, by appointment, La Ciénega (old Elementary Building). Call 505-758-1395.

**Therapeutic Yoga,** with Monique Parker in the Viniyoga tradition, 6:30-8 p.m. Mondays, Paloma Coffee Shop, $8 drop-in, $25 for four classes. Call 505-586-1229.

Rick Romancito

**Jimmy Stadler and the Colliders** play Friday (April 23), 10 p.m., at The Alley Cantina.

**Asian Bodywork,** Thai massage, Shiatsu, Reiki, private yoga sessions and more. $55 hour. Call Diana, 505-776-1372.

**Aura Readings,** by students and graduates of the Intuitive Healing Center, Mondays at 6:30 p.m. and Saturdays at 4 p.m., 90-minute reading $25, taped and scribed. Call 505-751-3469 for appointment.

**Buddhist Vipassana,** open for drop-in silent sitting meditation, 11:30 a.m.-12:30 p.m. Tuesdays and Thursdays.

Vibratory Endermatic System achieves dramatic results, a slimmer more contoured body. Increases circulation and releases toxins, noninvasive method. Add a Golden Moor Mud wrap or take home baths. $55 for one-hour session. Call Juli, licensed cosmetologist, 505-751-7227.

**Conversations with God,** study group based on book series by Neale Donald Walsch, 7 p.m. Mondays biweekly (April 26 and May 10), Full Circle Center, Ranchos. Free. Call Lynn, 505-758-0163 or visit

2759 or 505-770-6364.

**Hatha Yoga,** 9:30-11 a.m. Mondays and Wednesdays, Taos Kundalini Center. $8. Call Michele, 505-758-1775.

**Intuitive Counsel,** with James D. Cederlof. Sessions start at $40. For more information and appointment schedule, call 505-751-1322.

**Intuitive Tarot Gemstone/Numerology Reading,** goes beyond ordinary psychic readings. $35. Call for appointment, 505-737-0984.

Rio Colorado Reclamation Committee
Community Meeting
4/22/04 6:30 pm

1. Welcome/introduction
2. Follow up from questions/issues from last meeting
3. Update from Ken Klco on stability, petroleum issue, historic tailings spills
4. Feedback - an opportunity for questions

# Technical Advisory Group (TAG)

## (For the EPA Superfund Process at Molycorp)

# Meeting

## Thursday, April 22nd 6:30pm

La Cienega Elementary School in Questa
Hwy. 38, across from the Post Office

## All are welcome!

The Rio Colorado Reclamation Committee, a local community group was awarded a grant from the EPA to hire experts to help the whole community understand and comment on what is going on during the EPA's investigation at Molycorp.

This is your chance to participate in the Superfund process. Come and help direct the focus of the group.

If you are interested in what is going on with Molycorp and the EPA please come !
For more information go to:
www.rcrc.nm.org

Río Colorado Reclamation Committee

# Cuentos del Río

El Rio es Vida! - The River is Life!

Vol. 2 No. 1 Winter/Spring 2004

**The next Questa Community Meeting will be held on Thursday, April 22 at 6:30pm in the La Cienega Community Center. Please plan to attend this meeting and bring a friend!**

## Village Water Lines Buried in Tailings

RCRC received a copy of a document entitled "*Draft Sampling and Analysis Plan for Investigation of Historic Tailing Spill Deposits, Molycorp, Inc. Superfund Site, Questa, NM*" on November 14, 2003. Steve Blodgett, one of RCRC's technical advisors, prepared comments on that plan for the committee. The main issue that RCRC raised in these comments was concern about the tailings found surrounding water pipes around the community. "The RCRC has serious concerns that the largest "spill" of tailings in Questa, the use of tailings for bedding material in water lines, has not been acknowledged, sampled, or mapped in the draft Plan. Any tailings found outside of the pipeline or at the tailing ponds, have been spilled, even if the spill was inadvertent." The Village of Questa has stated that tailings were used for bedding material in 1968 when a new water system was built and later when major repairs and upgrades were made to the system. Several recent water line breaks and the recent (November 17th) dredging of Hunt's Pond have revealed tailings in water line trenches. The NMED and EPA have collected water samples from some residences in Questa to determine whether contaminants from these tailings have entered the water supply. To date, these samples appear to show no effects from these tailings in residential water lines. However, these samples provide no information on the contamination to local water supplies and effects on human health that may have occurred over the past 35 years and does not address contamination that could still be occurring with back-siphonage when there is a break in the water line. Any information on tailings deposits/spills should be reported to the EPA so that steps to clean up these spills can be taken. Call Mark Purcell at 214-665-6707.

## Health Study

The Agency for Toxic Substance and Disease Registry (ATSDR), due to pressure from RCRC and other local organizations, is working on a new comprehensive health assessment for the communities impacted by possible contamination from the Molycorp mine site. Many RCRC members have been concerned about the increasing numbers of community members being diagnosed with various forms of cancers and urge the community to help ATDR by reporting any health problems. If you or anyone you know is experiencing disease or illness please contact ATSDR toll-free at 1-888-422-8737 or email at ATSDR @cdc.gov.

## Possible Petroleum Spills

RCRC has expressed concern to the Environmental Protection Agency (EPA) and the New Mexico Environment Department about reports of petroleum products and other potentially hazardous solvents being disposed of in an unsafe manner at the mine site. RCRC is concerned about possible impacts to the Red River and community health due to these practices and has asked both the EPA and the Environment Department to investigate this issue.

## Goat Hill North Mitigation Construction

Due to pressure from the public and the State, Molycorp has developed a plan for addressing slope stability at Goat Hill North Waste Dump. Technical advisor Ken Klco has been following the Goat Hill Slope stability issue for RCRC. During the second quarter, 2004, Molycorp contractors will begin construction on efforts to stabilize the Goat Hill Dump, which is known to be slowly but continually moving downslope for the last several years (Molycorp admits knowledge of this slippage since the late 60's). After final approval of construction plans by the State, Molycorp will move ahead with mitigation plans to address this potentially serious threat to worker and public health safety. Planned work will include the construction of an under-drain system to allow for the removal of water draining from the base of the Goat Hill North Dump and the construction of a toe buttress system on top of the under-drain that will help to stabilize the downward movement of the waste dump material. Construction work will also involve the re-grading of the dump outslopes to result in a surface configuration more resistant to erosion and more amenable to revegetation efforts. A continuous monitoring system will be in place during and after construction work, which should be completed by late summer, 2004.

In early March, an alarm set up in Goat Hill North was tripped, alerting Molycorp to movement that was apparently triggered by a large amount of snow melt. Though Molycorp expressed that the amount of moisture was an "anomaly," we feel that this situation is a reminder that vigilance regarding the waste rock slide is necessary for the safety of those who live above and below the slide.

## Contact Information for Molycorp Mine Issues

**U.S. EPA**
Mark Purcell
EPA, Region 6 (Dallas)
214-665-6707

**ATSDR**
Debra Joseph
(888) 422-8737

**New Mexico Environment Dept**
Mike Reed, Molycorp Permit Lead
Ground Water Quality Bureau
505-827-2340

Al Pasteris, Surface Water Bureau
505-827-2575

Jerry Schoeppner, Chief, Ground Water Quality Bureau
505-827-2919

Sandra Ely, Chief, Air Quality
505-827-1494

Ron Curry, Secretary, NMED
505-827-2855

**Mining and Minerals Division**
Holland Shepherd, Program Manager
505-476-3437

Karen Garcia, Bureau Chief, MMD
505-476-3435

Bill Brancard, Director, MMD
505-476-3405

**Elected Officials**
Congressman Tom Udall
505-984-8950 (Santa Fe office)

Senator Jeff Bingaman
505-988-6647 (Santa Fe office)

Senator Pete Domenici, Sr.
505-988-6511 (Santa Fe office)

State Senator Carlos Cisneros
505-586-0873 (home)

Mayor Charlie Gonzalez, Questa
505-586-0694 (office)
505-586-1589 (home)

Governor Bill Richardson
(Contact: Hillary Tompkins, Deputy Counsel)
505-476-2222

**Other Contacts**
Tom Gorman, Office Of Emergency Management
505-476-9600

Ben Neary, Reporter
*Santa Fe New Mexican*
505-986-3035

Cornelia de Bruin, Reporter
*Taos News*
505-758-2241

**Questa Community Meeting** – Thursday, April 22 at 6:30pm, La Cienega Community Center


Rio Colorado Reclamation Committee
A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico.
P.O. Box 637 • Questa, NM 87556



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# TAG Quarterly Progress Report

**Date:** 5/10/04
**Report Number:** 6
**Report Period:** 1/1/04 - 3/31/04

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisors:** Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisor submitted the following documents:

  - *Report on January 29 Stability Review Committee Meeting, Questa, NM"*

  - *Summary of Goat Hill North Mitigation Construction*

  - *Letter to the EPA on February 23 Requesting Action on Petrochemical Waste Spills & Tailing Used as Bedding for the Town of Questa Municipal Water System*

  - *Notes on February 27 Technical Working Group Meeting, Santa Fe, NM MMD Offices*

  - *Report on Technical Advisor Activities 4th Quarter 2003 and early 2004* from Technical Advisor, Ken Klco.

- Two Board of Director's Meeting were conducted: January 27 & March 8, 2004.

- Drafted Quarterly Newsletter, "Cuentos del Rio" for distribution at upcoming community meeting.

- Continually added and updated TAG mailing list.

- The RCRC website was once again updated to include the latest activities and information. The web site address is: www.rcrc.nm.org.

**Difficulties Encountered:**

The lack of response for the EPA Remedial Projects Manager to a letter dated February 23 Requesting Action on Petrochemical Waste Spills & Tailing Used as Bedding for the Town of Questa Municipal Water System.

The lack of notice by either MolyCorp or NM State agencies regarding meeting information for the Stability Review Board or any other matter related to the Superfund Cleanup Site.

The amount of time required to prepare and distribute mailings such as the quarterly newsletter. The problem was solved through the contracting of services for a bulk mailer company.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- *Report on January 29 Stability Review Committee Meeting, Questa, NM"* (Programmatic Condition l., written synopsis from TA on TAG related meetings with local, state, or federal officials.)

- *Summary of Goat Hill North Mitigation Construction* (Programmatic Condition o., TA's written review/assessment of Feasibility Study, Preliminary Remedial Designs, etc., along with any risk related documents.)

- *Letter to the EPA on February 23 Requesting Action on Petrochemical Waste Spills & Tailing Used as Bedding for the Town of Questa Municipal Water System* (Programmatic Condition s., TA's written review/assessment of any remedial related activity)

- *Notes on February 27 Technical Working Group Meeting, Santa Fe, NM MMD Offices* (Programmatic Condition l., written synopsis from TA on TAG related meetings with local, state, or federal officials.)

- *Report on Technical Advisor Activities 4th Quarter 2003 and early 2004* from Technical Advisor, Ken Klco.

**Activity Anticipated in the Next Quarter:**

- Sending RCRC Technical Advisors to Technical Working Group and Technical Review Committee meetings.

- Another Community Meeting is scheduled for April 22, 2004.

- The newsletter, "Cuentos del Rio", is scheduled for distribution on April 16, 2004.

- Additional board meetings are scheduled.

- RCRC Technical Advisor will comment on any draft or final documents released by the USEPA or other relevant parties.

**ASAP Drawdowns:**

Two draw downs were requested this quarter. One on 2/12/04 for $2,301.40 and another on March 31, for $2,681.34. The total drawdown for this grant at the end of the 1st quarter 2004 is $21,441.40.

**Azurite, Inc.**
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March 8, 2004

Rio Colorado Reclamation Committee
Rachel Conn
P. O. Box 637
Questa, NM 87556

RE: NOTES ON FEBRUARY 27 TECHNICAL WORKING GROUP MEETING, SANTE FE NEW MEXICO, MMD OFFICIES

The meeting starting out reviewing the recently submitted (Feb 26) request to modify Closeout Plan and Variance Approval Conditions for the Questa Mine and Mill Facility TA001RE. Enclosed is a copy of Molycorp's letter to MMD Director B. Blancard outlining the requests for revision of dates for completion of closeout plan(s) completion and submittal. The request is based on the fact that it will take a number of field seasons to properly evaluate the revegetation, erosion, and stability studies underway. However, Molycorp does feel that some of the subsidence studies initiated this year will yield enough data within the next several months to complete the work plan by late 2004. Molycorp feels that this request should be considered a modification, not revision of the permit, which would limit the public hearing process in regards to the modification of the time frame for completion of close plan formulation. Jim Kuiper concurred with estimates of time to completion to be more realistic than the existing due dates.

Water collection systems installed in early 2003 were reviewed. The Groundwater wells GWW1,2,&3, drilled south of the highway to intercept contaminated groundwater flows originating from the mine site, currently produce 100 gpm, 80gpm, and 240gpm, respectively. This production is about double the estimated accretion of groundwater flow along the north side of the Red River. The contaminated water is pumped to the mill area for mill make up and pipeline maintenance needs. Springs 39 and 13 effluent was also reviewed, including production rates and chemistry. Phase II work of interception along the base of rock piles was postponed until Goat Hill North subsidence issues are resolved.

Mine Site Revegetation Test Plots completed in late 2003 were reviewed. 26,000 seedlings were planted over app. 19 acres of test plots, including 9 plots at 3:1 slopes, 6 plots at 2:1 slopes, and 6 plots considered "platform" plots located at the top of bench areas. Plots on Capulin and Goat Hill dumps were delayed due to subsidence issues. Uptake Studies of vegetation sampled from Cater Ranch and tailing impoundment areas were discussed. Interesting comments were received from the NMGF biologist Rachel Jakowitz, questioning the validity of the studies due to details of the sampling and assumptions of potential metal uptake from different parts of the plants during different times of the season.

Stability Studies, including all rock piles were discussed. Molycorp plans to install and monitor movement potentials on all rock piles during 2004 and plan on having a final report on rockpile stability issues by Novemberm 2004. Norwest, the Canadian based geotechnical firm that Molycorp has retained for the Goat Hill project, will be used for the sitewide investigation. Specifics regarding the Goat Hill North Dump mitigation plan were discussed, including the addition of 300,000 tons of material to the toe construction, in order to lower the final slopes of the buttress from a 1.5 : 1 to 2 : 1 and increase the overall Factor of Safety of the buttress slope.

Golder and Associates will complete a Cover Modeling report based on results from the Storage Cover Test Plots located in the mine site and tailings facility. The report results should be available within the next couple of months.

A quick review of the schedules for completion of the Ground Water Flow Model, coordinated with sitewide RI/FS was presented. Data review began July 02, additional USGS studies collected data during 2003 and should be completed by June 2004. A final report is looked for during the second quarter of 2005.

Mine Site Rockpile Water Balance Study is due November 2004.

Respectfully Submitted,

Kenneth S. Klco
Technical Advisor

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719-942-4178

February 23, 2004

not a TAG deliverable

Rio Colorado Reclamation Committee
Rachel Conn
P. O. Box 637
Questa, NM 87556

RE: Goat Hill North Mitigation Construction

During the second quarter, 2004, Molycorp contractors will begin construction on efforts to stabilize the Goat Hill North Waste Dump, which has known to be slowly but continually moving downslope for at least the past year. After final approval of construction plans by the State, Molycorp will move ahead with mitigation plans to address a potential serious threat to worker and public health safety. Planned work will include the construction of an under-drain system to allow for the removal of water draining from the base of Goat Hill North Dump and the construction of a toe buttress system on top of the under-drain that will help to stabilize the downward movement of the waste dump material. For the past several months, Molycorp geotechnical consultants have been working at the site to monitor dump movement, drill test holes, and develop a comprehensive plan to arrest the steady downward creep of the waste dump. As a result of recent aerial photo interpretation studies, is has been suggested that the dump slope failure is related to an ancient slope failure in the hydrothermally altered bedrock behind the waste dump material, which was placed there in the 1970's. Construction work will also involve the re-grading of the dump outslopes to result in a surface configuration more resistant to erosion and more amenable to revegetation efforts. A continuous monitoring system will be in place during and after construction work, which should be completed by late summer, 2004.

February 23, 2004

not a TAG deliverable

Mr. Mark D. Purcell, Remedial Project Manager
Superfund Division
US Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Mr. Purcell,

Some months ago, RCRC Board of Directors President Roberto Vigil wrote to you regarding first hand knowledge of the locations of dumping of petrochemical waste materials at the Molycorp mine site. The primary location of the dumping was in the Spring Gulch area, although ex-miners have identified additional dumping locations within the mine site, including former fueling stations and Goat Hill Dumps North and South. The RCRC received a Sample Locations Map from you showing the approximate locations of surface, subsurface, and groundwater samples taken that may coincide with pollution streams making their way to the Red River via movement in groundwater flow in the colluvium along Spring Gulch and Sulphur Gulch. While the RCRC is well aware of the fact that the petrochemical dumping occurred thirty years ago, former employees have reiterated that the dumping of petrochemical wastes was a long term common operating practiced throughout the development of the open pit from 1967 to the late 1970's and possibly as late as 1985. The RCRC feels that the pollution zone(s) may yet exist in the soils and waste rock placed in the Spring Gulch area and may have migrated over time toward the Red River, following the drainage patterns of Spring Gulch and Sulphur Gulch. We are requesting all quarterly monitoring well water quality reports for the past several years that include hydrocarbon analysis. By comparing the hydrocarbon levels in water quality analysis over a period of time, we may be able to assess the degree of impact on Red River water quality due to past dumping practices. At the very least, we may be able to allay concerns of continued hydrocarbon pollution moving to the Red River from the old dumping areas. In addition, full suite analysis of soil samples taken in the Spring Gulch need to be checked for hydrocarbon content. However, due to the large temporal differences between the dumping incidents and the sampling events, it is likely that the contaminated soils and waste materials are located far below most of the sampling depths or are dispersed over relatively large areas of ground not covered by the sampling regime.

This is why we feel that monitoring well water quality results would be the best method at this point in time in locating, confirming, or assessing the degree impact on Red River water at this point in time.
The RCRC is especially interested in water quality data from wells 31A&B, 32A&B, 33A&B, 34A&B, 35A&B, and any other monitoring wells within the drainages in question or just downstream from these drainages.

At our last Community Quality Coalition meeting in Questa last fall, your consultant noted that the existing data base reflects positive determinations for forty seven different hydrocarbon compounds sitewide, but was not able to differentiate the types of products that might be related to the hydrocarbon signatures. The RCRC is concerned that petrochemical dumping continues even today via draining of milling solvents and mill machinery lubricants into the mill sumps which are then pumped with tailings materials to the tailings impoundment areas. We would like to continue the study of water quality analysis at the mine site and from the tailings impoundment area to better understand the relationship of the hydrocarbon signatures with the types of milling and lubrication products used and disposed of at the site. I would think that this information would be useful to the mine operator as well, as the Spring Gulch waste materials are planned for use as a capping material over the next several years of reclamation work. Would it be possible to have CDM review their data base with the goal to expand the understanding of petrochemical sources and signatures? The RCRC feels that there is a high degree of certainty concerning the occurrence and location of past dumping practices. Our goal is to make a best effort to define the extent and content of the result of these practices and help to devise a strategy to minimize their impact to Red River water quality.

The RCRC is requesting EPA consideration and support of another issue with strategic and broad based implication for the health and well being of the Questa community. The RCRC is well aware of the results of the few Questa Village tap water analysis recently sampled. While it is good to know that metals contamination is not apparent at the few sample locations measured to date, we feel that this limited sampling program would only show a worst case scenario and fails to address what has been pointed out to the state agencies and village officials. There is in fact tailings material used to bed the village water supply. The tailings have been noted at private delivery line repair sites and at the Hunt's pond location where water system piping was exposed. There is no doubt that tailings material were used to bed plastic pipe which is subject to breakage and back seepage at times when the water system is undergoing repair.

These conditions can and most probably have resulted in exposure of metal (and other dangerous pollutants) contaminated water to unknowing community members including children and seniors. The nature of this scenario means that polluted water would be difficult to measure at any one sampling event. However, the main point is that tailings are in proximity to the village water delivery line, which has a long history of breakage and known tendency for back pressure (suction) conditions during sessions of repair work.

The RCRC considers tailings used for pipeline bedding to be a direct threat to public health and should be considered to be a spill not unlike the many tons of other spills described in the tailings spill sampling plan. Tailing used as pipeline bedding may be an "intentional" spill as compared to the "unintentional" spills otherwise described, but a spill nonetheless, which should be sampled, characterized, and cleaned up like any other. An appropriate minimum first step would be to sample enough village pipeline locations to get an idea of the extent of tailings use for water pipeline bedding. Questa Village officials appear to dismiss the idea of a compromised water system based on a few tap samples. This may be understandable given the political ramifications of cost to the Village if the system has to be replaced. However, the long-term health ramifications of this situation make any lack of due diligence deplorable, regardless of political or economic outcome. While this may well be a local community issue that must eventually be worked out at that level, the RCRC feels that all of the agencies involved, including the EPA, have a responsibility to protect the health and well being of the public, regardless of the cost implications to the village or the mine operator. The omission of any reference to tailings used for water system installation in the tailings spills sampling plan, or in your response letter to the mine operator, was duly noted and of concern to the RCRC. We would request your re-consideration of this issue and the inclusion of an action plan to address the extent of the tailings use in this manner included in the final tailings spills sampling plan.

The board of directors of the Rio Colorado Reclamation Committee looks forward to hearing from you at your earliest convenience.

Very Truly Yours,

Kenneth S. Klco
Technical Advisor, RCRC

3/5 CC: Purcell, RPM
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SF File Room
Repository
TAG File

# TAG Quarterly Progress Report

**Date:** 2/12/04
**Report Number:** 5
**Report Period:** 10/1/03 - 12/31/03

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisors:** Steve Blodgett & Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisors submitted the following documents:

  - *Comments on the "Draft Sampling and Analysis Plan for Investigation of Historic Tailing Spill Deposits, Molycorp, Inc. Superfund Site, Questa NM"*

  - *Report on Technical Advisor Activities 4th Quarter 2003* from Technical Advisor, Ken Klco.

- Participated in two conference calls with ATSDR on October 29, and November 12, 2003.

- Reviewed USGS Baseline Studies Progress Report, Vail Reports, and Sampling Plan.

- Reviewed information on Historic Tailings Spill at Hunt's Pond.

- Reviewed information on the Questa Water System and possible tailings contamination.

- The RCRC website was once again updated to include the latest activities and information. The web site address is: www.rcrc.nm.org.

**Difficulties Encountered:**

The most significant is the departure of one of our Technical Advisors, Steve Blodgett on December 31, 2003. It is anticipated that the Board will ask Technical Advisor Ken Klco, to assume much of the work previously undertaken by Mr. Blodgett.

The lack of response for the EPA from a letter sent on August 15, 2003 regarding petroleum waste dumps on the Superfund site.

Progress and work slowed as the holidays approached.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- Technical Advisor comments on the *"Draft Sampling and Analysis Plan for Investigation of Historic Tailing Spill Deposits, Molycorp, Inc. Superfund Site, Questa NM"*. (Programmatic Condition k., TA's written review/assessment of Remedial Investigation, Risk Assessment ...)

- *Report on Technical Advisor Activities 4th Quarter 2003* from Technical Advisor, Ken Klco.

- Molycorp Draft Health Education Needs Assessment Conference Call Meeting Minutes.

**Activity Anticipated in the Next Quarter:**

- Sending RCRC Technical Advisors to Technical Working Group and Technical Review Committee meetings.

- There is still the possibility of hiring a toxicologist, to review and coordinate some of the findings and issues pertaining to the ATSDR Sept 24, 2002 report and anticipated new report for Questa.

- Another Community Meeting is scheduled for next quarter.

- There will certainly be additional board meetings and issues of the newsletter released.

- RCRC Technical Advisors will comment on any draft documents released by the USEPA or other relevant parties.

**ASAP Drawdowns:**

A drawdown of $2,301.40 was requested on 2/12/04. The total drawdown to date for this grant is $18,760.06.

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February 9, 2004

Rio Colorado Reclamation Committee
Rachel Conn
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not a TAR delineate

RE: REPORT ON JANUARY 29 STABILITY REVIEW COMMITTEE MEETING, QUESTA, NM

On January 29th, a Stability Review Committee Meeting was held at the Questa mine site. While the Stability Review Board was not in attendance, the key committee members were including New Mexico Mining and Minerals and New Mexico Public Health and Environment staffers, Amigos Bravos representatives (Kuipers and Shields), Molycorp personnel, a NM Fish and Wildlife representative, and the writer. Two main topics were covered: 1) the status of the most recent findings regarding subsidence of surface areas directly above the current underground working areas, and 2) the "scope of work" questions being asked of the committee by the Stability Review Board members. A short teleconference with Richard Dawson of Norwest Consultants, Molycorp's geotechnical consultants, was also held to review Norwest's expansion of work into the area above the underground workings.

To start off the meeting, Molycorp representatives Herman, Walker, and Jacobs, described the general lay-out of the underground workings and of the surface monitoring systems recently installed to record ground movements recently noticed at the surface that are a direct result of underground mining operations between 1300' and 1800' from the surface. Ground movements were first noticed last summer as superficial cracks found along roadways and berms and have since increased in size from originally a few inches of displacement to several feet over the past few months. The subsidence cracks started out in colluvium material (unconsolidated rock and soils) and has migrated into bedrock outcrop areas. This ground movement is located on steep sloping forested terrain several hundred feet south of the Goat Hill South waste dump. This area is not currently mined (nor planned for) but does have a network of narrow roadways for access to the top of the ridgeline between the open pit and the Goat Hill dumps. The movement of surface material came as a moderate surprise to Molycorp, who had not been actively engaged in surface expression monitoring until the past several months of work on Goat Hill. There was some discussion of the active pit failure of the west wall of the open pit and its potential for some impact on the phenomena, but the main consensus is that the primary cause of the surface movement is a direct function of subsidence due to the underground workings.

The rate and time frame of the surface subsidence certainly appears to be related to the relatively weak rock strength conditions of the bedrock and mineralized zone due to hydrothermal alteration of the ore body and less mineralized rock covering the area. While following this phenomena make for an interesting "side bar" to the site in general, the subsidence itself does not appear to have a direct connection with the Goat Hill Dump creep, instability, or potential for liquifaction, which could have serious public health implications. There does not appear to be a public health risk associated with this subsidence phenomena at this time. However, the rate of subsidence appears to be increasing over a short time span. Dave Jacobs (Molycorp) noted that that the horizontal measurements and the vertical displacements of the cracks as measured at the surface has increased from .5' per month during November and December 2003 to .5' per two weeks during the month of January. This notable increase in subsidence has warranted close monitoring by Molycorp field personnel due to obvious safety concerns for Molycorp employees and sub-contractors working at the site. This type of subsidence is not unique to the site nor to the mining techniques used at the Questa mine, as similar evidence can be seen on the surface resulting from old underground workings that were mined a number of years ago located due west of the current subsidence area, called the "glory hole" subsidence area in the Goat Hill Gulch drainage. Molycorp field engineers noted that in general terms, this type of surface subsidence is good news for the overall safety conditions of the underground workers, since the relatively weak rock conditions and expression of failure at the surface implies that the block caving techniques used underground are functioning as planned, with bedrock overlying the ore body failing and filling the voids left by mining the ore body at a rate that relieves stress incrementally in the bedrock and minimizes rock bursts and unexpected roof and rib failures during mining of the ore body. While this phenomena does not appear to be mechanically related to the Goat Hill waste dump instability issues and surface cracking and subsidence has not migrated north to the Goat Hill dumps footprint, the situation is of major concern regarding the plans for mitigation of the of Goat Hill dumps via construction of a toe buttress to stabilize the movement of the Goat Hill South dump. The proximity of the active subsidence will likely limit safe access to the toe of the Goat Hill South waste dump and mandate modification to the planning and execution of a mitigation effort for the Goat Hill Area. This issue may impact plans for future underground ore extraction and their eventual impact on surface land access and dump stability. Norwest, the geotechnical consultants for Molycorp who were retained to review the original GHS dump condition and make recommendations for mitigation, have been brought back to the site to review all plans with the existing current subsidence information in hand. At 11 AM, all in attendance were transported to the subsidence area where we could see the recent ground movements first hand. It was most helpful to be able to walk the areas undergoing subsidence and relate this area to the glory hole subsidence area to the west, the open pit directly east of the current subsidence area, and the Goat Hill South waste dump located north of the subsidence area.

The afternoon was spent discussing the verbiage of the scope of work document regarding the Stability Review Board's request for clarification and completion of their duties and responsibilities regarding the mine site. Hopefully, these issues will be resolved at a meeting of the SRB, Molycorp, NM agency staffers, and AB during the first week of February. I will report on the outcome of that meeting after talking with Jim Kuipers.

Much of the Agenda listed was not covered due to lack of time. A Technical Working Group Meeting date was set for February 27th in Sante Fe at MMD Headquarters.

Conclusions and Recommendations

The next several months of monitoring of ground conditions and the development of a plan to mitigate the Goat Hill Dump situation will hopefully result in an action plan that can be put into affect without undo hazard exposure to site workers or limit the effectiveness of stabilization efforts. Ground conditions at this site will only increase in their importance to the overall operating and closure planning. This most recent evidence of subsidence is a good indication that present day operations can have immediate and significant impacts on mining operations planning and should help to direct future mine planning and especially the formulation of final closure planning that has not been on schedule. There is little doubt that a final closure plan will be finalized before 2005 and probably later. It is critical that TAG follow the development of the subsidence issues and reinforce overall ground stability's role in the final closure plan considerations. The EPA has requested an "informational" seat at the Stability Review Committee meetings and this is a good sign that this issue should and hopefully will be brought into the final closure picture. The fact that Molycorp has initiated a significant effort to monitor ground movement over time is extremely good news. The more they look, the more they are likely to find. TAG should consider all ways to support this effort and push for expansion of monitoring systems on all waste dumps at the site. While the cost of these monitoring programs is likely reducing the overall reclamation monies budgeted by Molycorp, the expansion of the information base in the short term concerning ground conditions may have major impact on the final close out plan. This is probably more important at the present time than spending monies on waste dump revegetation when mechanical stability has not been thoroughly investigated.

Respectfully Submitted,

Kenneth S. Klco
Technical Advisor

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719-942-4178

January 26, 2004

Rio Colorado Reclamation Committee
Rachel Conn
P. O. Box 637
Questa, NM 87556

REPORT ON FOURTH QUARTER 03' AND FIRST QUARTER 04', ACTIVITIES

Fourth quarter 03" meeting activity was minimal allowing for office hours geared to reviewing some older data including Vail Reports and the Fifth Progress Report from the USGS group. The writer sat in on a USGS/URS/MOLYCORP "sediment chemistry" meeting, held at the Denver Federal Center on November 17th. This meeting included three presentations of work in progress, one by M. Jackson and others (Molycorp), one by URS personnel, and one by USGS. These studies are not published at this time are not therefore "citable", but a short take on the basic information presented may be interesting to the board. The Molycorp paper is a study of water and sediment chemistry upstream from the Molycorp mine and basically states that naturally occurring scar alteration has a measurable and significant impact on downstream water and sediment chemistry. The study supports a long held perspective by some observers that scar alteration has more impact on the Red River than mining activities. URS presented an update on their own version of a Fawn Lake and Eagle Lake sediment study with core recovered during a winter 2002 sampling project. URS also discussed data interpretation and general trends resulting from sitewide water and sediment, and rock sampled during a number of sampling sessions 1995-2000. The presentation detailed the authors' approach to Principal Component Analysis (PCA), a method of data evaluation commonly used to simplify data sets and clarify trends. The study did compare to the USGS study (discussion to follow) in that the data reflects a major Molybdenum spike in Eagle Rock Lake and differences in Aluminum-rich precipitates at Eagle Rock Lake vs. Fawn Lake. Otherwise, there was little parallel or common conclusion of the USGS vs the other two presentations. The URS study concluded that mining activities do not appear to be a major source of metals to Eagle Rock Lake sediments. The USGS report is one of ten or more studies which has not been published as yet but should be available for close study within the next couple of months. The study details the age dating and analytical results from sediment core sampled from Eagle Rock Lake and Fawn Lake. This was a separate sampling event from the URS sampling noted above and does not necessarily correlate with the other study's sample locations and associated sample thickness, appearance, and age. The USGS study contends that distinct depositional events occurred at several times in the past (major pipeline break, tailings spills, or metals inflow to the Red River). These events can be accurately age dated by comparing hydrologic records and construction histories.

The report may offer "smoking gun" evidence of waste rock dump leachates moving into the Red River composing a distinct depositional history related to fluorite content. It will be very interesting to see the final product of this study and its impact on the larger question of mining impacts vs. natural scar and upstream tributary contributions to Red River chemistry.

During December, the writer reviewed the Sampling and Analysis Plan for Investigating Historic Tailings Spill Deposits. Tailings spills were documented on 343 occasions between late 1965 and late 2001, with spill volumes from a few pounds to several hundred tons. During December, 2003, Hunt's pond has been the site of efforts to drain, sample, and characterize sediments remaining by local Soil Conservation District personnel and Molycorp. This area, one of the larger spill sites, is addressed specifically in the EPA comment letter. . The writer received a copy of the EPA comments regarding the SAP at the recent USGS progress report meeting (Jan 22), which M. Purcell noted to have incorporated concerns from the TAG response. I believe the references to requests for sampling on private land owned by Duran, Gallegos, Douglas, and Fagerquist, and the inclusion of cyanide analysis came from Steve's input. However, no mention is made of tailings used for bedding of water pipes or any reference to the village water system. Sampling of alleged tailings materials used for bedding of water lines should be included in the historic spills investigation or should be handled as a special concern to be investigated thoroughly, as the potential for health impacts can have serious repercussion to the Village of Questa and their citizens.

On January 22nd, the writer attended the sixth progress report meeting of the USGS group of studies on the Red River, held in Sante Fe at the NMMD headquarters building. The sixth progress report is hopefully the last one prior to publishing or at least releasing to the public the final studies results which may have more impact on Molycorp action planning than all past studies combined. For one thing, it is difficult to report to the RCRC board in detail when it is forbidden to cite or reference any of the studies involved prior to publication. Some of the major issues will hopefully be enlightened, including the question of mining impacts vs. natural scars and background chemistry and a long awaited calculation of water balance for the Red River watershed and its relationship with Molycorp operations. Studies progress since the last meeting (Sept 03) centered on the Straight Creek area, where monitoring well pairs installed in the past couple of years have resulted data reflecting alluvium water chemistry, bedrock water chemistry, and recent (Dec 03) measurement of flow rates, hydraulic conductivity, and Red River in-flow regime detail. In addition, a second round of geophysical investigations were undertaken during 2003, resulting in cross sectional representations of sub-surface alluvium and bedrock interface well up-gradient and along the Straight Creek/Red River confluence. Many of the Phase II well pairs subject to various well tests are interlaced along these transects in the upper areas of Straight Creek drainage.

Additionally, updates were given regarding all studies and completion dates, water analytical results completion dates, Red River geology, mineralogy, and leachate results, Mass loading and geomorphology, reactive-transport modeling, seismic studies, ground-water field work updates, ground water modeling (Straight Creek, including ground water chemistry and modeling), and last but not least, the Red River water balance study progress report and completion date.

As mentioned earlier, it will be a relief to be able to report on the results of all of these studies in a manner consistent with having the capacity to cite specific data and observation. Next week's scheduled Technical Review Committee meeting will hopefully offer additional work that is or is nearing completion.

Kenneth S. Klco
Technical Advisor, RCRC

December 11, 2003

Mark Purcell
US EPA—Region 6
1445 Ross Ave.
Suite 1200, 6 SF-LP
Dallas, TX 75202-2733

Dear Mr. Purcell:

I am writing on behalf of the Rio Colorado Reclamation Committee (RCRC) with comments on the "Draft Sampling and Analysis Plan for Investigation of Historic Tailing Spill Deposits, Molycorp, Inc. Superfund Site, Questa, NM" dated May 29, 2002. In your cover letter dated November 14, 2003 you mention that this Plan is not final. We hope that the following comments can be incorporated into the Plan to address some major deficiencies.

**The RCRC has serious concerns that the largest "spill" of tailings in Questa, the use of tailings for bedding material in water lines, has not been acknowledged, sampled, or mapped in the draft Plan.** Any tailings found outside of the pipeline or at the tailing ponds have been spilled, even if the spill was inadvertent, as was the use of tailings for bedding material. The Village of Questa has stated that tailings were used for bedding material in 1968 when a new water system was built and later when major repairs and upgrades were made to the system. Several recent water line breaks and the recent (November 17th) dredging of Hunt's Pond have revealed tailings in water line trenches. The NMED and EPA have collected water samples from some residences in Questa to determine whether contaminants from these tailings have entered the water supply. To date, these samples appear to show no effects from these tailings in residential water lines. However, these samples provide no information on the contamination to local water supplies and effects on human health that may have occurred over the past 35 years.

Members of the RCRC are concerned that the EPA and state agencies are not fully investigating the issue of the tailings bedding material to fully determine the impacts on water users in Questa. The analyses that the EPA and state have done to date to determine contamination are, at best, inconclusive and any health effects resulting from the use of tailings in the water lines have not yet been determined. The RCRC believes that the Village's water lines create the conditions to cause "back-siphonage" whenever a line break occurs and water pressure is cut off as repairs proceed. We urge EPA to research the website of the American Backflow Prevention Association (ABPA) at www.abpa.org to confirm that "back-siphonage" is a potential problem in the Questa water lines that must be addressed immediately.

The recent dredging of Hunt's Pond revealed a "1-foot wide by 1-foot deep" deposit of tailings in the water/sewer/gas lines exposed by the dredging and draining of the Pond (see internal Molycorp memo of November 18, 2003 from Anne Wagner). Tailings cut by the trench created to drain Hunt's Pond were inadvertently flushed into the Red River when the Taos County Soil Conservation District (SCD) drained the Pond on November 17th. The SCD has been informed of the problem and has stopped work on the Pond until the tailings issue is resolved.

One previous excavation (November 2002) of the same water line adjacent to the residence of Roberto Vigil also revealed tailings used for backfill. If these tailings are present in the water lines from the Hunt's Pond area to the Vigil residence, there could be several hundred cubic yards of tailings in this section of the line alone. Given that tailings have also been noted in water-line excavations in other parts of Questa, this issue must be resolved immediately to protect public health.

Recommendation: **Because Molycorp has been dredging and removing tailings wherever they are found (e.g., Upper Sump Dump, Hunt's Pond), the same approach should be applied to tailings in water lines. The RCRC further recommends that EPA take the following actions to address these issues of concern in the RI/FS process:**

1. **Provide comprehensive sampling (full metals suite, organics, and cyanide) at a CLP lab of tailings used for backfill in water lines. These sample results should also be sent to ATSDR.**
2. **Provide the RCRC a list of drinking water MCLs (Maximum Contaminant Levels) for each constituent sampled from the tailings material.**
3. **Identify and list all reagents used at the mill since 1965 and every year thereafter, including cyanide.**
4. **Provide the RCRC with a list of published references on the health effects of the contaminants found in the tailings.**
5. **Document the number of water line breaks that have occurred in Questa since 1968 to determine the long-term health impacts that may have occurred as a result of tailings used for bedding material in the water lines.**

The possible presence of cyanide in some of the older (pre-1970) tailing deposits is of particular concern. Because cyanide was used to enhance flotation in tailings generated from 1965-1970, older buried tailings could contain this highly toxic compound. The RCRC notes that total cyanide is being analyzed for in groundwater samples from the wells adjacent to the Upper and Lower Sump Dumps, but not in tailing or sediment samples.

Recommendation: **EPA should require cyanide analyses from any tailing spills that occurred before Molycorp stopped using cyanide in its milling process.**

The following statement made on page 4-2 of the Plan is premature: "Irrigation ditch alignments did not yield significant signs of tailings." Because of the dozens of tailing spills directly into the Red River and its associated irrigation ditches (*acequias*), it is highly likely that some residual tailings remain in the bottom of these ditches buried by other sediments. A visual inspection of the *acequias* would not reveal conditions in the bottom of the ditch.

Recommendation: **The EPA should require Molycorp to collect sediment samples from the bottoms of both the North and South *acequias* to confirm that no buried tailings are located in these ditches. Using spills located on maps E-1, E-2, and E-3, EPA should devise a supplemental sampling plan that would fully characterize sediments in the *acequias* from the easternmost headgates all the way through the village.**

Another statement made on page 4-3 of the Plan requires comment: "Tailings material was not observed or identified in the stream channel or in the immediate riparian stream margins." Again, this statement appears to be made on the basis of an incomplete visual inspection of the stream channel. Unless the URS consultants physically waded down the Red River from the mill area to the pipeline crossing at the Lower Sump Dump and sampled systematically, it is not possible to conclude that no tailings exist in the stream channel itself.

Recommendation: **EPA should require that Molycorp consultants wade down the Red River from the mill area to the pipeline crossing point to locate any buried tailings that may exist in the stream channel itself. If tailings are found, they should be sampled according to the approved protocol.**

The RCRC appreciates the opportunity to comment on this Plan. We hope that these comments will lead to additional sampling of tailings in water lines, the *acequias*, and in the stream channel. Please contact Roberto Vigil of the RCRC if you have any questions.

Sincerely,
/s/ Steve Blodgett
Technical Advisor to RCRC

Cc: Mike Reed, NMED
Jim Baca, ONRT
Jill Dyken, ATSDR
Congressman Tom Udall
Senator Jeff Bingaman
Charlie Gonzalez, Mayor, Village of Questa

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# TAG Quarterly Progress Report

**Date:** 11/19/03
**Report Number:** 4
**Report Period:** 7/1/03 - 9/30/03

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisors:** Steve Blodgett & Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisors submitted the following documents:
  - *Summary of Preliminary Results of EPA Remedial Investigation Molycorp Molybdenum Mine.*
  - Summary of communication between our Technical Advisor, Steve Blodgett, and Mark Purcell of the U.S. EPA.
  - Technical Advisor comments on the "Proposed South of Tailings Facility Additional Sampling Program, Molycorp Site, Questa, NM".
  - *Report on Technical Advisor Activities March - August 2003* from Technical Advisor, Steve Blodgett.

- The RCRC Board held meetings on July 8, and September 16, 2003.

- Participated in an EPA Compliance Review on August 26, relating to contractual obligations and responsibilities.

- Participated in the EPA Community Meeting on August 27, re-introduced RCRC to the community and invited participation.

- Held a meeting with ATSDR on August 27 to discuss their ill-advised report and how they will correct the report and perform the proper research before the new report is released.

- RCRC Technical Advisors attended several meeting and planning sessions to remain abreast of any changes and the latest developments regarding the Molycorp Superfund site.

- The RCRC website was once again updated to include the latest activities and information. Flyers advertising the website were distributed and posted throughout the Town of Questa. The web site address is: www.rcrc.nm.org.

- RCRC launched its newsletter, *Cuentos del Rio*, this quarter after much work and anticipation.

- Organized and sponsored a community meeting regarding the Molycorp superfund process and other issues related to Molycorp on September 24. There was good local attendance, which elicited significant community feedback. A summary of the EPA community

need 11

meeting was distributed and our Technical Advisors briefed the audience on issues and areas of concern.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- A copy of our July/August newsletter, *Cuentos del Rio.*
- Community Flyer advertising our web page.
- Public Notices and flyers advertising the 9/24/03 community meeting.
- Draft Agenda of the 9/24/03 community meeting.
- Minutes from the 2/26/03 community meeting.
- *Summary of Preliminary Results of EPA Remedial Investigation Molycorp Molybdenum Mine.*
- Summary of communication between our Technical Advisor, Steve Blodgett, and Mark Purcell of the U.S. EPA.
- Technical Advisor comments on the "Proposed South of Tailings Facility Additional Sampling Program, Molycorp Site, Questa, NM".
- *Report on Technical Advisor Activities March - August 2003* from Technical Advisor, Steve Blodgett.

**Activity Anticipated in the Next Quarter:**

- Sending RCRC Technical Advisors to Technical Working Group and Technical Review Committee meetings.
- There is still the possibility of hiring a toxicologist, to review and coordinate some of the findings and issues pertaining to the ATSDR Sept 24, 2002 report and anticipated new report for Questa.
- Another Community Meeting is scheduled for next quarter.
- There will certainly be additional board meetings and issues of the newsletter released.
- RCRC Technical Advisors will comment on any draft documents released by the USEPA or other relevant parties.

**Molycorp DRAFT Health Education Needs Assessment**
**Conference Call Meeting Minutes**

**Date:** October 29, 2003
**Time:** 9:00am -10:00am (MST); 11:00am-12:00pm (EST)

**Participants:** Kris Larson, Erica Archuleta, Jill Dyken (ATSDR); David Douglas, Karen Douglas, Roberto Vigil, Cynthia Rael-Vigil, Rachel Conn, Steve Blodgett, Brooke Tatum, Marsha Reddell, Hope Buechler (RCRC Members)

**Purpose:** To gain input from the community on the DRAFT Health Education Needs Assessment and future Health Education activities in the Questa area.

**Moderator(s):** Kris Larson and Erica Archuleta

**General Issues/Topics**

- Introductions of All Participants
- It was suggested that ATSDR set-up an office in Questa so that the community can talk directly to agency representatives. The suggestion was supported by others on the call. It was stated that community members were reluctant to speak anonymously to people whom they were not familiar with. Community members have sent letters to Congress requesting funding for support of an office. ATSDR is copied on the letter.

**Areas of Concern**

- Water system backfilled with tailings (it is noted that breakage resulted in de-pressurization resulting in infiltration into water). This area of concern will be added to page 4 of draft health education needs assessment. This comment was supported by another community member on the call.
- Past Exposure. Community member on the call stated that water lines go back 30 years and there have been many breaks. The community wants to know if it is possible to have studies on past exposures.
- Tailings as backfill. The community is interested in obtaining information regarding how common the use of tailings as backfill was in the late 1960's – were they used at other mine sites
- Crop absorption of contaminants. Irrigation water comes from acequias (irrigation ditches).
- Water system. The water system is a significant concern of community members. The RCRC board is not aware of any documentation of the layout of the water system.

**Health Education Needs**

- Train the trainer activities as a method to achieve health education goals.
- Training on types of diseases and conditions, related to possible exposure.
- Increase community understanding of: water treatment processes; bio accumulation; dermal exposure from showers; contaminants of concern, and possible health effects associated with the contaminants of concern.
- Financial support for health education activities

**Action Items**

- Provide Kris and Erica with at least three time slots in which to plan the next conference call – Karen
- Send CDs of ATSDR Tox Profiles to Karen – Erica
- Contact Village – Kris and Erica
- Send White Paper on Biota to David – Kris and Erica
- Finalize date for call and agenda – Erica

Río Colorado Reclamation Committee

# Cuentos del Río

El Río es Vida! - The River is Life!

Vol. 1 No. 1 July/August/September, 2003

## How the Río Colorado Reclamation Committee Came To Be

The Molycorp molybdenum mine in Questa is an official Superfund site, which means that the US Environmental Protection Agency has identified the mine site as one of the most potentially polluted sites in the country. In an agreement between Molycorp and the EPA, Molycorp signed what is called an AOC (Administrative Order on Consent) wherein the mine agreed to put up a two million dollar bond to guarantee payment for the RI/FS (Remedial Investigation/Feasibility Study) and for this the EPA agreed that Molycorp would not be placed on the National Priorities List (a list of the MOST potentially contaminated Superfund sites in the nation). The RI/FS is now under way to determine the amount of pollution, who is affected and how, and the possibilities for cleaning up and making the area safe, for humans and the environment.

The Rio Colorado Reclamation Committee was formed by a group of local people concerned about the ramifications of the EPA Superfund investigation. In an EPA informational meeting in June 2000, we learned about the EPA Technical Assistance Grant program (TAG), which would enable the group to hire scientists and engineers who could help the public understand and participate in the process. RCRC filed a letter of intent to apply for this grant, along with two other area groups, but we were the only group to doggedly pursue the long, demanding grant process. We were finally awarded the TAG grant in September 2002 after obtaining our simple non-profit status from the state in August of 2002. Throughout this period we publicized our process on fliers posted in the community and at several meetings held in conjunction with other community groups.

One of the requirements of applying for the TAG grant was organizing a Board of Directors, which was assembled by asking concerned people we saw repeatedly at meetings to serve. Board members are not paid in any way for their service. As provided in the grant, RCRC members must earn in-kind work hours valued at $12,500 for each $50,000 grant. Some of the ways board members earn in-kind hours are attending board and community meetings, creating and maintaining our website, making and distributing fliers, and taking interested agency representatives on field trips showing them areas of concern in the community.

Among RCRC's accomplishments so far are:

1) We hired a grant administrator, Patrick Nicholson.

2) We also hired two technical advisors: Steve Blodgett and Ken Klco (who both have experience working on the cleanup of mining Superfund sites). Our TAs are able to attend technical meetings at which the public is not allowed, to review each proposed EPA plan, to translate it into language understandable to the non-technical person, offer suggestions and alternative ideas to the plan, and to write reports incorporating the members' suggestions to be considered in final decisions made by EPA. This helps us participate much earlier in the process than if we had to wait to appeal EPA's decisions, plus the TAs keep us informed on the very latest ideas and discussions coming out of the technical meetings, which include scientists from the EPA, the state regulatory agencies, and Molycorp.

3) We held our first community meeting on February 26, 2003.

4) Board members have attended a training workshop hosted by the EPA on grant administration and reporting, and a national TAG conference in Albuquerque for newer groups to learn from more established ones. Members have also represented RCRC at Technical Review Committee meetings (which are held in Questa, are open to the public and which include representatives from Molycorp, New Mexico Environment Department, NM Mining and Minerals Division, EPA, and local community and environmental groups), EPA meetings, ATSDR meetings and other public meetings.

5) RCRC played a major role in having the first public health assessment by the Agency for Toxic Substance and Disease Registry (ATSDR) withdrawn and a new assessment begun, and also having our first ATSDR site leader, who was responsible for the first report, replaced. (See ATSDR article for details.)

6) RCRC has commissioned reports on behalf of its members on draft plans submitted by the EPA and comments to the EPA. These include our comments on the Public Health Assessment written by ATSDR, our response to the RI/FS work plan, comments on the Goat Hill North/Capulin waste rock dump stability situation, and our recommendations for additional environmental sampling in the area of Alta Vista Elementary School.

7) RCRC informed NMED, EPA and ATSDR that we believed that the village water lines were bedded with tailings (we had photos and broken pipe as evidence- and Questa residents had reported this concern to the Village Administration previously). As a result of our prodding, EPA and NMED took split samples of 5 different residential taps connected to the Village water system. This predated the recent "discovery" by village officials that the lines were indeed embedded in tailings. The results of the testing will be received sooner rather than later due to our persistence.

We have learned from other TAG groups across the country that the Superfund RI/FS process, the ROD (Record Of Decision declared by the EPA at the conclusion of the investigation) and ultimate clean-up can take more than a decade. The RCRC

provides a voice during this arduous process for any interested individuals who may have ever been directly affected by the Molycorp mine's activities either through proximity, business dealings or employment. This includes anyone residing, owning property or a home or business in the Questa area (including Cerro, El Rito and Latir, Costilla, Red River, Lama, San Cristobal, Taos and points in between) and anyone who currently works or has ever worked at the mine, with the exception of officials from the mine or the Village Administration, which may join or attend as citizens only, not in any representative fashion on official business. Many of the more successful TAG groups have been in existence for a dozen years or more, and work best when they count membership from a cross-section of people in the affected area who work hand in hand with local government, businesses, economic development agencies and health agencies, but the most important voices are those of the concerned citizens in the affected area. As you might expect in dealing with government agencies, and based on our experience so far, the squeakiest wheels get the grease. Beverly Negri, our EPA TAG Project Officer, stated at the last EPA community meeting in Questa in August that RCRC is the most active TAG group she has ever worked with. We are committed to participate in the process to try to ensure the most beneficial solutions for the health and economic welfare of the people of Questa and other affected communities, for this and future generations. We encourage you to play a part in the unfolding of the future of Questa by participating in this process. Please join us!

All the reports we have commissioned are displayed on our website, which is: www.rcrc.nm.org. If you are interested in obtaining copies of these reports there is also a repository in the Questa Village Office, or you may contact RCRC at:

Rio Colorado Reclamation Committee
PO Box 637
Questa, NM 87556
or by email at info@rcrc.nm.org

## What The Heck Is An RI/FS?

RI/FS is the acronym for Remedial Investigation/Feasibility Study, a comprehensive process of describing all the physical and chemical aspects of the site, identifying all chemicals of concern found, in this case, at the Molycorp mine and mill tailings facility, identifying all physical conditions that may impact worker and/or public health, and development of a series of alternative actions that would remove, mitigate, or improve the conditions described to result in safer and cleaner environment at the site and those land areas near the site in question. In the case of the Molycorp mine and mill tailings facility, the first step in developing a RI/FS is to organize and review all site studies regarding rock, soil, air, and water analysis from the actual mine and tailings areas and neighboring lands including the Red River, outfalls from the tailings dams, monitoring wells on private property bordering the sites, air quality monitoring stations, ponds, lakes, irrigation ditches, and other locations identified by the EPA, State of New Mexico environmental specialists, Molycorp personnel, and the community at large.

The development of an accurate picture of the site and its particular geological, geochemical, and geophysical parameters evolves from a compendium of studies performed by a number of different investigators including Molycorp and several private environmental consulting firms over the past decade. These investigations include on-site field studies involving drill cuttings, pit excavations, and water sampling programs to define the type and amounts of metals, organic, and inorganic pollutants that may be found at the site and that may be moving into neighboring lands and waterways.

One important study currently underway by the United States Geological Survey, under contract by Molycorp, is to determine the "baseline" geochemistry of the Red River and its numerous drainages predating the initiation of mining activity in the Red River district. The outcome of this study will have major impact on the level of clean up standards to be met by Molycorp at the cessation of mining activities.

The RI/FS not only describes the chemistry of concern regarding public health and worker exposures, but also defines the pathway(s) of exposure to various pollution sources to man and animal. RI/FS contains detailed information on the methods of sampling, locations, numbers of samples, and types of samples, laboratory techniques utilized for analysis and interpretation, and the protocol to insure quality and consistency in sampling and analytical result, termed Quality Control-Quality Assurance (QC/QA).

Finally, the RI/FS process should result in a series of alternative actions to be negotiated and decided upon between Molycorp, state and federal agencies, and the public, to be taken to address the conditions as described in the study resulting in improved levels of safety and health for site workers, neighboring land owners, and the downstream communities affected by the mining and milling operations of Molycorp. The RI/FS is the "meat and potatoes" portion of the Superfund process addressing the development of accurate models to understand the type and amount of pollution and the necessary action(s) to be taken by the mine operator.

It is in the best interest of the public to be actively engaged in the development of the RI/FS, from identifying sampling locations to understanding the site conditions and modeling to negotiating the best possible action(s) to be taken. The RI/FS is a long and arduous process and will take a number of years and many public meetings to reach fruition. The Rio Colorado Reclamation Committee (or TAG group) has hired technical advisors (Ken Klco, the author of this piece and Steve Blodgett so far) to attend meetings with EPA representatives, mine representatives, and their technical folk to get information to help the community form our own opinions on the process (which we discuss in our own community meetings) and to take our agreed upon comments and suggestions back to the other involved parties. This is the only real way that the affected communities have a say so in the RI/FS process. RCRC is dedicated to being actively engaged in the RI/FS process and we urge our friends, neighbors and fellow citizens to get informed, involved and speak up in the evolution of this process, as it will

surely affect the future health and welfare of Questa and surrounding communities.

## Our Voices Can Make A Difference - RCRC Plays A Major Role In Withdrawal of Flawed ATSDR Report

What is the ATSDR and why should you care? The ATSDR is the Federal Agency for Toxic Substances and Disease Registry. You should care because Congress mandated that ATSDR do a Public Health Assessment (or PHA) at each Superfund site in the country. This PHA, in our case, is to determine if there are any past, present or future health hazards caused in any way by Molycorp at the Questa Mine Site, in the area including the mine, the Village of Questa, and the surrounding vicinity.

ATSDR issued a PHA on September 24, 2002, with a public comment period deadline of November 13, 2003. As we later learned, in drafting the PHA, an ATSDR Site Team, (which includes everything from environmental engineers and toxicologists to environmental education specialists) is supposed to visit the impacted area, hold a community meeting to explain what a PHA is and the process by which it is done, provide confidential "one-on-one" time for anyone who wants to provide their health information, and provide a toll-free number for anyone who wants to call them in confidence. The team also examines various reports and data relevant to the existence of possible contaminants and pathways through which the contaminants might enter the body. After drafting the PHA, aside from providing it to various governmental agencies, copies are supposed to be provided to the RCRC (as part of its Technical Assistance Grant from the EPA) as well as to any area residents on a mailing list compiled by the EPA (who signed up at community meetings).

The problem is that most of the above was never done. Members of the RCRC learned in late February 2003, more than 3 months after the public comment deadline, that this PHA was drafted and released after only one ATSDR team member made a brief, unannounced visit to the area, with no community meeting, no opportunity for the public to give their health information or related concerns. This PHA was based on reports and data provided mostly by the EPA, information usually drafted by Molycorp or one of its contractors. And once done, no one in the "impacted area" received a copy of this assessment.

Members of the RCRC began investigating. We called and e-mailed ATSDR for several weeks before receiving any response. When ATSDR's site team lead for Questa finally contacted a member of the RCRC on March 25, she was stunned that we had not received copies of this report. After investigating, the site team lead again called, stating that to her embarrassment a page of the mailing list had been lost. Interestingly, this was the page which contained the names of RCRC members and Questa area residents. She agreed to reissue the report, setting up a new comment period, but we did not feel this was good enough. How, we asked, could the ATSDR issue a Public Health Assessment, based not on the "usual process" outlined above, but on the minimal investigation they had done, and conclude that they found no connection between any actions by the Mine and any present or future potential health problems in Questa? The report was seriously flawed and could not stand up to even the most cursory scrutiny. ATSDR agreed that the initial PHA had problems but offered only to open the report for further editing. The RCRC thought that the report should be trashed and a new public health investigation begun.

After numerous phone calls and a blizzard of email messages from concerned citizens, ATSDR agreed to come to Questa in late June to investigate possible health problems, something they were supposed to do in the first place but never did.

They set up a community meeting to apprise everyone of their purpose and to seek more input from affected residents. The RCRC arranged a meeting with ATSDR and community-based groups the night before. At this meeting were members from the RCRC, representatives from the Questa Clinic, the Taos County Public Health Service, the School Board, the Red River Watershed Group, the Village Council, and other groups. At this meeting, ATSDR announced that they were going to withdraw their initial PHA and start all over and acknowledged that the entire situation had been handled badly. The PHA was withdrawn, and June 24 was the date for a fresh start. With that battle won, we could all get down to the work that meant the most: having a Team who would be working on the Questa Site PHA hear our concerns, our experiences, and learn something about our area. And boy did they ever learn! Between the meeting that evening and a tour of Questa that we arranged for the next afternoon, ATSDR got a short course about life in Northern New Mexico. They learned about the acequia system and its importance in local everyday life, something not even considered in the first PHA. And we showed them a site, complete with pictures and cracked pipe, where the Village water system had been backfilled with tailings-a concern which RCRC members and numerous other Questeños had been expressing to NMED and EPA for quite some time. On this tour were the ATSDR team, NMED, EPA and members of the RCRC. On the whole, this group listened, asked many questions, and seemed truly surprised by what they were seeing and hearing. Molycorp also gave ATSDR a tour of the mine during their visit.

Thanks to the efforts of RCRC members and many concerned citizens, ATSDR's visit to Questa proved to be very productive. Our voices have been heard and we have made a difference.

In late August, ATSDR came to Questa again, this time with a new site lead, one who seems ready and willing to work with the community. To date, we are pleased with the progress that has been made. However, our work is not done. Residents of communities near the mine are strongly urged to participate in this study. This is an ongoing study and people in these communities and anyone, anywhere, who worked for the mine at any time who think they may be suffering from any health problems are urged to contact ATSDR for a confidential interview. ATSDR can be reached toll-free at 1-888-422-8737 or by email at ATSDR@cdc.gov.

Please help build on our successes. Our voices can make a difference.

## Contact Information for Molycorp Mine Issues

**U.S. EPA**
Mark Purcell
EPA, Region 6 (Dallas)
214-665-6707

**ATSDR**
Debra Joseph
(888) 422-8737

**New Mexico Environment Dept**
Mike Reed, Molycorp Permit Lead
Ground Water Quality Bureau
505-827-2340

Al Pasteris, Surface Water Bureau
505-827-2575

Jerry Schoeppner, Chief, Ground Water Quality Bureau
505-827-2919

Sandra Ely, Chief, Air Quality
505-827-1494

Ron Curry, Secretary, NMED
505-827-2855

**Mining and Minerals Division**
Holland Shepherd, Program Manager
505-476-3437

Karen Garcia, Bureau Chief, MMD
505-476-3435

Bill Brancard, Director, MMD
505-476-3405

**Elected Officials**
Congressman Tom Udall
505-984-8950 (Santa Fe office)

Senator Jeff Bingaman
505-988-6647 (Santa Fe office)

Senator Pete Domenici, Sr.
505-988-6511 (Santa Fe office)

State Senator Carlos Cisneros
505-586-0873 (home)

Mayor Charlie Gonzalez
505-586-0694 (office)
505-586-1589 (home)

Governor Bill Richardson
(Contact: Hillary Tompkins, Deputy Counsel)
505-476-2222

**Other Contacts**
Tom Gorman, Office Of Emergency Management
505-476-9600

Ben Neary, Reporter
*Santa Fe New Mexican*
505-986-3035

William Maxwell, Reporter
*Taos News*
505-758-2241

**The Río Colorado Reclamation Committee will hold its next Questa Community Meeting on Wednesday, September 24, 2003 in the La Cienega Community Center at 7:00pm**
***Please Mark Your Calendars and Plan to Attend this Important Meeting.***

Río Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico.

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# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico

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**The Río Colorado Reclamation Committee**

**will hold its next Questa Community Meeting**

**on Thursday, September 25, 2003 in the**

**La Cienega Community Center at 7:00pm**

**Please Note:**
**This meeting is subject to change.**
**Please check back for more information.**

***Please Mark Your Calendars and Plan to Participate in this Important Meeting.***

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# Rio Colorado Reclamation Committee

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## RCRC News

### ATSDR Public Health Assessment Has Been Withdrawn

In a landmark meeting with the RCRC, the Questa Clinic, Questa Safe Environment Group, members of the Questa School Board, the Red River Watershed Group, the New Mexico Public Health Clinic in Taos, and the EPA, the Agency for Toxic Substances and Disease Registry (ATSDR) has agreed to withdraw its first Public Health Assessment (PHA) for Questa. This report was first released on October 9, 2002. Read the Taos News article about the withdrawl of this report.

The release of this PHA was not well publicized. Most people in Questa and surrounding communities were not even aware of its existence and therefore did not

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# Rio Colorado Reclamation Committee

A community based organization dedicated to the reclamation of the Molycorp mine and the restoration of the Red River in Northern New Mexico



have the opportunity to comment on the report. Even if they were aware of the report, they could not read it to comment on it. People who were supposed to get the report, such as the Village of Questa and Village officials, the RCRC, and others, did not even receive copies. According to ATSDR, that part of the mailing list was mysteriously lost.

Once the existence of the report was revealed in February 2003, its findings were very suspect. Among other things, the report stated that there were no health problems in Questa. The RCRC did not support the findings of this report as it was based almost exclusively on information developed by Molycorp. Neither the citizens, property owners, current or former mineworkers, or Village Administration were informed that this study was being done, nor were they asked for, nor given a chance to offer, their input. No health care providers were interviewed about general health trends. It was our belief that this report be withdrawn and a new Public Health Assessment be undertaken - one that is fair, balanced, and seeks input from the community. ATSDR has now agreed with us. As a result, this Public Health Assessment is being withdrawn and a

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# Rio Colorado Reclamation Committee

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agreed with us. As a result, this Public Health Assessment is being withdrawn and a new PHA is being initiated from the beginning. This action on the part of the ATSDR goes a long way towards restoring credibility of the agency in the affected community and renewed faith that they will issue a new report that accurately and fairly reflects all health issues of the community.

The ATSDR was in Questa during the week of June 23-27 to conduct a Public Health Assessment of possible health risks that may be a result of activities of the Molycorp mine. Residents of Questa, Cerro, El Rito, Latir, and others residents of the affected communities have been urged to participate in this study. A community meeting was held on Wednesday, June 25, 2003 at St. Anthony's Parish Hall at 6:00pm.

This is an ongoing study and people in these communities and anyone, anywhere, who worked for the mine at any time who think they may be suffering from any health problems are urged to contact ATSDR for a confidential interview. ATSDR can be

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and renewed faith that they will issue a new report that accurately and fairly reflects all health issues of the community.

The ATSDR was in Questa during the week of June 23-27 to conduct a Public Health Assessment of possible health risks that may be a result of activities of the Molycorp mine. Residents of Questa, Cerro, El Rito, Latir, and others residents of the affected communities have been urged to participate in this study. A community meeting was held on Wednesday, June 25, 2003 at St. Anthony's Parish Hall at 6:00pm.

This is an ongoing study and people in these communities and anyone, anywhere, who worked for the mine at any time who think they may be suffering from any health problems are urged to contact ATSDR for a confidential interview. ATSDR can be reached toll-free at 1-888-422-8737 or by email at ATSDRIC@cdc.gov

###

Start Rio Colorado Recla... 7:24 AM

# Technical Advisory Group (TAG)

## (For the EPA Superfund Process at Molycorp)

# Meeting

## Wednesday, September 24th, 7:00pm

**La Cienega Elementary School in Questa**
**Hwy. 38, across from the Post Office**

## All are welcome!

**The Rio Colorado Reclamation Committee, a local community group was awarded a grant from the EPA to hire experts to help the whole community understand and comment on what is going on during the EPA's investigation at Molycorp.**

**This is your chance to participate in the Superfund process. Come and help direct the focus of the group.**

**If you are interested in what is going on with Molycorp and the EPA please come !**
**For more information go to:**
**www.rcrc.nm.com**

Technical Assistance Grant (TAG)
Rio Colorado Reclamation Committee
Community Meeting 9/24/037:00 - La Cienega

Draft Agenda

1. Welcome/Setting of Groundrules 7:00-7:15
2. RCRC Newsletter 7:15-7:20
3. What is a TAG grant? 7:20-7:30
4. Website Overview 7:30-7:45
5. Technical Advisor Update: 7:45-8:15
   - Data presented at the EPA meeting on August 27th (Ken Klco and Steve Blodgett)
   - Stability Review Board (Ken Klco)
   - USGS study (Steve Blodgett and Ken Klco )
   - NPDES permit (Steve Blodgett)
6. Feedback on direction of TAG: 8:15-8:45

Groundrules for meeting:

1. Only one person speaks at a time. No interrupting.
2. Raise hand before speaking.
3. Three minute time limit for speakers
4. Same question/statement only/asked delivered once.
5. Hold questions on the presentations until after they are finished. (If time runs out we will address unanswered questions in our next newsletter.)
6. If you feel uncomfortable voices your opinions or questions please write down comments on the white index cards provided for this purpose.

# Thank you for coming and participating!!

**Report on Technical Advisor Activities**
**March-August, 2003**
**Rio Colorado Reclamation Committee**

**Prepared by**
**Steve Blodgett**
**Technical Advisor to RCRC**
**September 2003**

## Introduction

This report covers the first 6 months of activities performed by Steve Blodgett, one of the Technical Advisors to the Rio Colorado Reclamation Committee (RCRC). Activities are described by the relevant task in the original Scope of Work for the Technical Assistance Grant.

Recommendation
Because much of the work conducted under the TAG during the first 6 months of grant activities did not fit under the task descriptions provided in the grant application, the following addition to the tasks is recommended. Routine administrative activities like answering e-mails, writing, reviewing, and editing letters to EPA, ATSDR, and other agencies; and routine phone calls and teleconferences are not specifically mentioned in the SOW. Consequently, I recommend that another task, Task 7, be added to the SOW for the TAs. This task would include all routine communications (e-mail, phone calls, letters) and other miscellaneous activities performed by the TAs under the direction of the RCRC Board and with the approval of EPA, Region 6. This task would not include routine administrative financial tasks or other administrative duties performed by the Grant Administrator.

March
Reviewed ATSDR Health Assessment for Questa; communicated with RCRC Board via e-mail regarding "conflict of interest" issues for TAs (Task 1).

April
Completed review of ATSDR report and drafted comments on behalf of RCRC (Task 1).

May
Attended RCRC Board meeting in Questa on May 15th (Task 2); revised comments on ATSDR report based on feedback from RCRC (Task 1).

June
Write letter report to RCRC Board on Goat Hill North stability issues (Task 1); meet with R. Vigil, M. Reddell, C. Herrera re: ATSDR tour itinerary (Task 2); lead Questa tour for ATSDR, attend RCRC Board meeting and ATSDR public meeting on June 25 (Task 2); write comments on EPA tailings sampling plan (Task 1).

July

Attend RCRC Board meeting on July 8th; write list of agency-government contacts for RCRC (Task 1); phone calls to M. Purcell, R. Vigil, K. Douglas re: sampling plan for oil/hazardous waste dumps in Spring Gulch (Task 1).

August

E-mail to RCRC Board re: public meeting at Questa Village Hall re: Goat Hill North stability issues (Task 1); review and edit letter from R. Vigil on oil/hazardous waste dumps/sampling (Task 1); attend Questa Community Coalition metting on August 26th (Task 2); tour Goat Hill North/Capulin dumps w/ RCRC members (Task 2); lead tour of Questa for new ATSDR staff (Task 2); attend EPA public meeting on August 26th (Task 2).

RIO COLORADO RECLAMATION COMMITTEE
COMMUNITY MEETING

February 26, 2003

Attending:
Roberto Vigil, Carlos Herrera, Karen and David Douglas, Marsha Reddell, Rachel Conn, Hope Buechler, Ken Klco, Patrick Nicholson, Steve Blodgett.
Nancy Gonzales, Joe Cisneros, Brent Jaramillo, Art McKinstry, Michelle Potter, Joan Scott.

The meeting began at 7:00 with a general welcome from RCRC to attending community members.

WHAT IS A TAG GRANT?

RCRC members went over FAQ about TAGs and laid out tasks contractors are expected to perform. A draft contract was handed out.

WEBSITE OVERVIEW

David Douglas explained the RCRC website (www. rcrc.nm.org).
He also pointed out that this is only one of the vehicles for getting out information.
We need to publicize the organization. We can distribute a flyer specially on the website and make a poster of the homepage. We need flyers also for our community meetings as well as notification in Taos News in Annuncios. We need to get information to students.
Developing the website and other publicity adds up to many in kind hours required for our Grant.

INTRODUCTION OF GRANT ADMINISTRATOR AND HIS ROLE
Patrick Nicholson was introduced and said he was glad to be serving and hopes to be useful to RCRC. He has a MA in environmental planning and has been part of the Peace Corp. His job is to make sure RCRC is meeting its obligations to the EPA. He will be doing the behind the scenes paperwork and preparing reports to the EPA. He is familiar with grant reporting processes.
Roberto Vigil added that EPA is very strict about reporting requirements.

INTRODUCTION OF TECHNICAL ADVISORS AND THEIR ROLE

The TAs draft contract has been signed, but some language is still to be finalized.

Ken Klco introduced himself as a trained geologist with 29 years in mining operation, the last twelve years of which he has done consulting for mines and for communities affected by mines. He is familiar with mine planning and closure, as well as with reclamation - especially high altitude revegetation. He also knows about the difficulties

faced by a community which depends on a mine for jobs and yet suffers the consequences of environmental destruction.

Superfund projects, he said, require patience but it is up to the community to stay with the process. He is grateful for the opportunity to do this work.

He worked on the Summitville Superfund site, where the Alamosa River was dead by 1992 and the mine will continue to pollute for100 years. That community has worked with the Dept of Health and the EPA. He said these agencies are mandated to do their job and get out, but the community wants to be sure the money spent will make sense 10 – 20 years later. Communities have to look to the long term, not the short term. They will want better water and air quality and assurance that the land is stable. After time there should be changes in vegetation – trees growing on mine site.

He said that it's a benefit in Questa to have the PRP (Potentially Responsible Party) – Molycorp – here and not in Canada. PRP's often go bankrupt or move out of the country.

Steve Blodgett introduced himself as having a Masters degree in mining reclamation. He has done technical writing and worked for the Center for Science in Public Participation, and for Amigos Bravos. Also worked with Hopi tribes. He is familiar with gravel mines and coal mines, as well as with Superfund sites. He worked with the TAG group Milltown site and wrote the TA grant at Leadville.

He said that the Molycorp site is a difficult one – technically, legalistically and politically.

The EPA is trying to establish its own authority, a "you sit on one side" mentality. He was told that the TAG couldn't send its TA to any technical meetings between EPA and Molycorp. One difficulty is that we are in Region 6, which has no experience with mine cleanup. In Region 8 EPA routinely allows TA to attend meetings, though the TA doesn't usually comment. In Montana EPA relies on TAG to give them support.

This is a public group with public funds and it is up to public to stay involved and stay on case.

He and Ken Klco will split the work fifty/fifty.

Molycorp will try to discredit RCRC and split the community. RCRC has a role to play in keeping all parties honest – company, State and Federal regulators.

People who live here should say what constitutes a final cleanup. Get mine cleaned up completely and make a good transition to non-mining economy.

He said we could go to Rep. Udall if things don't work out, and that the new Governor and head of ED are more responsive.

He also had praise for David Douglas' website, which he said is more comprehensive than Molycorp's.

Molycorp is better than Phelps Dodge but has a slow learning curve.

EPA needs information, especially on hazardous waste.

The town is 60% to 70% pro mine. Many people slammed the door on EPA interviewers.

Joe Cisneros asked if there were an air monitoring system. He is on the School Board and will push for checks on air quality monitors.

Steve said Molycorp will do anything to keep its permit in order just in case the price of Molybdenum goes up. They are hanging on in case war starts. Unless the price is at $4.50 Molycorp is losing money. However, he said, it's still cheaper to lose on production than to start the cleanup.

Unocal's Moly mine at Mountain Pass in California makes lots of money and subsidizes Questa. Unocal is carrying the 157 million dollar bond for the Questa mine, in the name of Unocal.

A question was asked about the 70 workers now employed at the mine – how many are from Questa. Steve said that when the mine was at 850 workforce only 17% were from Questa, Cerro and Costilla.

The meetintg was adjorned at 8:30.
Respectfully submitted. Hope Buechler/Secretary
10/23/03

**Summary of Preliminary Results of EPA Remedial Investigation**
**Molycorp molybdenum mine**
**Questa, New Mexico**

**Prepared by**
**Steve Blodgett, Technical Advisor**
**Rio Colorado Reclamation Committee**

## Introduction

On August 26, 2003 the EPA and their consultants, CDM Federal, presented preliminary results from sampling done at the Molycorp molybdenum mine, along the Red River, in Questa, and at the tailing ponds west of Questa. The following is a short summary of those results.

Among the factors used by EPA at this stage in the RI are the SLC (Screening Level Criteria) that are used in evaluating data. The SLC for each metal (or anions in the case of fluoride and sulfate) is a number that has been established as a standard to indicate a potential human health or environmental concern based upon results from numerous studies in the scientific literature. For example, aluminum has an SLC of 3.7 mg/L (parts per million) in groundwater under EPA guidelines. Thus, any samples that exceed 3.7 mg/L of aluminum in groundwater indicate potential problems from aluminum contamination. The SLC are used to help EPA identify those metals or other analytes that might be contributing to contamination at a site under study. The concept of SLC is applied to groundwater, surface water, soils, and other media to help EPA focus on those analytes that are most likely to cause pollution at a site. The SLC is <u>not</u> a number used for regulatory purposes. In other words, if some samples exceed the SLC for different metals, those samples are not necessarily in violation of state or federal standards, which are established separately. The SLC is a tool that helps the EPA sort through large amounts of data and focus on those analytes that are most likely causing contamination at a site.

<u>Alluvial Groundwater Quality—Sugar Shack/Sulphur Gulch waste rock piles</u>

Groundwater in alluvium below and adjacent to the "front dumps" (Sugar Shack South, Middle Dump, and Sulphur Gulch dump just north of NM Hwy 38) showed the results summarized in Table 1 below. All of the metals (and fluoride) listed in Table 1 exceeded the SLC in at least one well, and some metals exceeded the SLC in ten wells. These data are consistent with numerous other data collected by Molycorp, the New Mexico Environment Department, U.S. Geological Survey, and other agencies over the past 35 years. The samples in Table 1 were collected from groundwater wells below or adjacent to the "front dumps" at the mine and clearly show the impacts of metals leaching from the waste piles into the underlying alluvium.

**Table 1. Alluvial Groundwater Quality:**
**Sugar Shack/Sulphur Gulch waste rock piles**

| Metal/Constituent | Average (mg/L) | SLC (mg/L) | Number of Wells>SLC |
|---|---|---|---|
| Aluminum (Al) | 39.0 | 3.7 | 10 |
| Arsenic (As) | 0.0019 | 0.000045 | 1 |
| Beryllium (Be) | 0.0137 | 0.0073 | 10 |
| Cadmium (Cd) | 0.035 | 0.0018 | 10 |
| Cobalt (Co) | 0.262 | 0.22 | 2 |
| Copper (Cu) | 0.558 | 0.14 | 10 |
| Fluoride ($F^-$) | 26.0 | 0.22 | 10 |
| Lead (Pb) | 0.023 | 0.015 | 1 |
| Manganese (Mn) | 22.26 | 0.17 | 10 |
| Nickel (Ni) | 0.492 | 0.073 | 10 |
| Selenium (Se) | 0.0256 | 0.018 | 1 |
| Zinc (Zn) | 4.61 | 1.1 | 10 |

Colluvial Groundwater Quality—Sugar Shack/Sulphur Gulch waste rock piles

Similar data were collected from the colluvium below and adjacent to the "front dumps" (Table 2). Colluvium is any loose, heterogeneous, and incoherent mass of soil material and/or rock fragments deposited by rainwash, sheetwash, or slow continuous downslope creep, usually collecting at the base of slopes or hillsides. At the Molycorp mine, some colluvium underlies all of the waste rock piles. As for the alluvial groundwater samples, the SLC were exceeded for all metals and fluoride in Table 2.

**Table 2. Colluvial Groundwater Quality:**
**Sugar Shack/Sulphur Gulch waste rock piles**

| Metal/Constituent | Average (mg/L) | SLC (mg/L) | Number of Wells>SLC |
|---|---|---|---|
| Aluminum (Al) | 159.6 | 3.7 | 4 |
| Arsenic (As) | 0.0037 | 0.000045 | 3 |
| Beryllium (Be) | 0.093 | 0.0073 | 4 |
| Cadmium (Cd) | 0.098 | 0.0018 | 4 |
| Cobalt (Co) | 0.82 | 0.22 | 4 |
| Copper (Cu) | 3.15 | 0.14 | 4 |
| Fluoride ($F^-$) | 74.95 | 0.22 | 4 |
| Iron (Fe) | 9.91 | 1.1 | 1 |
| Lead (Pb) | 0.244 | 0.015 | 1 |
| Manganese (Mn) | 99.1 | 0.17 | 4 |
| Nickel (Ni) | 1.82 | 0.073 | 4 |
| Selenium (Se) | 0.072 | 0.018 | 2 |
| Zinc (Zn) | 14.92 | 1.1 | 4 |

Seeps and Springs—Mine Site

Several springs and seeps on mine property were sampled in the winter of 2003. Water discharging from these seeps and springs has consistently shown pH values from 2.5 to 5 over past sampling events, and EPA sampling in the fall of 2002 confirmed these low (acid) pH values. Table 3 summarizes data from springs and seeps for the winter of 2003.

**Table 3. Springs and Seeps Water Quality, Mine Site, Winter 2003.**

| Analyte (mg/L) | Capulin | Goat Hill | Seep 13 | Seep 13 Lower | SLC (mg/L) |
|---|---|---|---|---|---|
| Aluminum | 11.3 | 1520.0 | 27.0 | 121.0 | 3.7 |
| Fluoride | 114.0 | 78.6 | 5.8 | 15.6 | 0.22 |
| Manganese | 533.0 | 432.0 | 3.42 | 16.2 | 0.170 |
| Zinc | 116.0 | 99.3 | 0.817 | 4.06 | 1.10 |

Like the alluvial and colluvial samples in Tables 1 and 2, all four metals in Table 3 greatly exceed the SLC. Data for another important spring, Cabin Spring, were not included in the preliminary RI results. However, the data shown in Table 4 provide further evidence that springs on mine property discharge contaminated water. In the case of Cabin Spring, this discharge is directly into the Red River.

**Table 4. Analytical data for Cabin Spring, 1994-1998 (collected by Vail Engineering and submitted to NMED). All data in mg/L, except pH (standard units) and Alkalinity (mg/L of $CaCO_3$).**

| Date | $SO_4$ | Cond. | Mn | Zn | Al | pH | TDS | Alk. | F | Fe |
|---|---|---|---|---|---|---|---|---|---|---|
| 10/13/94 | 1118 | 1874 | 33.20 | 2.8 | 32.7 | 5.1 | 2040 | 0 | 14.8 | 0.05 |
| 2/14/95 | 1163 | 1925 | 37.25 | 2.35 | 37.2 | 4.9 | 1626 | 1 | 19.8 | 1.32 |
| 11/9/95 | 1170 | 1965 | 20.7 | 4.2 | 36.0 | 4.5 | 2020 | 5 | 19.0 | 0.209 |
| 2/26/96 | 1160 | 1988 | 13.8 | 3.49 | -- | 4.7 | -- | -- | 11.6 | -- |
| 11/5/96 | 1160 | 1895 | 22.9 | 4.35 | 40.9 | 5.6 | -- | -- | -- | -- |
| 3/13/97 | 1080 | 1692 | 18.7 | 3.81 | 34.8 | 4.6 | -- | -- | -- | -- |
| 7/21/97 | 800 | 1351 | 13.4 | 2.94 | 26.1 | 4.5 | -- | 3 | -- | -- |
| 9/9/97 | 790 | 1309 | 13.1 | 2.78 | 24.3 | 4.5 | 1260 | 0 | 8.25 | <0.2 |
| 11/3/97 | 980 | 1507 | 17.8 | 3.25 | 31.4 | 4.5 | -- | -- | 18.7 | -- |
| 3/9/98 | Dry | Dry | Dry | Dry | Dry | Dry | Dry | Dry | Dry | Dry |
| 4/30/98 | Dry | Dry | Dry | Dry | Dry | Dry | Dry | Dry | Dry | Dry |
| 8/06/01 | -- | -- | -- | -- | 37 | 4.6 | -- | 5 | 19 | -- |
| NMED 1996* | -- | -- | 20.10 | 3.54 | 34.50 | -- | -- | -- | -- | -- |
| Average | **1047** | 1723 | **21.2** | **3.33** | **33.0** | **4.76** | **1737** | 1.8 | **15.4** | 0.44 |
| NMWQCC standard | 600 | -- | 0.2 | 10.0 | 5.0 | 6-9 | 1000 | -- | 1.6 | 1.0 |

--, no data or standard

xxx—exceeds New Mexico Water Quality Control Commission (NMWQCC) human health standard.

* Table 8, Slifer report, 1996; CLP ID# MFQ266.

Note: Complete data for 2001-2002 and sample results from 6/25/03 were not available at this time.

Tailings Facility—Groundwater Quality

At the tailings facility, two different aquifers have been identified. The "basal aquifer" has eight wells drilled into it, and the "upper aquifer" has fifteen wells. Table 5 below summarizes the sample results from these aquifers.

**Table 5. Tailings Facility—Groundwater Quality.**

| Well Type | Metal/Anion | Average (mg/L) | SLC (mg/L) | Number of Wells>SLC |
|---|---|---|---|---|
| **Basal aquifer** | Arsenic | 0.0009 | 0.000045 | 6 |
| **(8 wells)** | Fluoride | 0.54 | 0.22 | 8 |
| | Iron | 1.2 | 1.1 | 1 |
| | Manganese | 0.221 | 0.17 | 1 |
| | Molybdenum | 0.167 | 0.018 | 3 |
| **Upper aquifer** | Arsenic | 0.00047 | 0.000045 | 10 |
| **(15 wells)** | Fluoride | 0.57 | 0.22 | 11 |
| | Iron | 11.3 | 1.1 | 4 |
| | Manganese | 1.4 | 0.17 | 5 |
| | Molybdenum | 0.76 | 0.018 | 8 |

These data indicate that metals have leached from the tailings into groundwater. The direction of groundwater flow at the tailing ponds is toward the Red River. Several interceptor wells are supposed to capture this contaminated water before it reaches the Red River. The effectiveness of these wells in capturing this water will be investigated in the RI.

Tailings Facility—Seeps and Springs

Seven seeps and springs south of the tailing ponds and just north of the Red River were also sampled in the winter of 2003. Data from these seeps and springs indicate that five of them exceed the SLC for both molybdenum and total dissolved solids. Because the pHs of these seeps and springs are close to neutral (pH= 7), other metals were measured below the SLC.

Red River Sampling

The EPA collected samples from surface water, sediment, fish tissues, macroinvertebrates (bugs), and bryophytes (mosses) in the Red River to determine changes in water quality and metals loading along the course of the river. The sampling began at a location called Zwergle Dam, about 3.5 miles upstream from the town of Red River, and continued downstream for fourteen miles to the USGS stream gage near the mouth of the Red River canyon just east of Questa. For the upper Red River, this sampling begins in an area of the river with no mining impacts and proceeds downstream through the town of Red River, past the Molycorp mine, and ends below the mine. The object of this sampling is to identify those stretches of the river, its sediments, and biota (fish, bugs, plants) that may be impacted by metals leaching into the river from either natural sources (geothermal scars) or mined areas.

Surface water in the upper Red River (Zwergle Dam-USGS gage station just east of Questa) showed small increases in aluminum, molybdenum, and zinc beginning at the east boundary of the Molycorp mine and throughout the mine property.

These increases were caused by a combination of poor quality water draining into the river from geothermal scar areas and water of similar quality draining from the Molycorp mine. The relative contributions of each source are being studied by the U.S. Geological Survey to quantify the effects of "natural" acid drainage from scar areas and the acid mine drainage created by the Molycorp mine. Data from the USGS studies underway confirm that significant increases in manganese, sulfate, fluoride, and zinc occur in the Cabin Springs area and downstream past Capulin Canyon.

Surface water in the lower Red River (from Questa to the state fish hatchery) showed small increases in molybdenum immediately below Outfall No. 002, which collects water draining from the tailing ponds and discharges it to the Red River. Aluminum and zinc concentrations in the lower Red River decrease steadily below the confluence of Cabresto Creek and the Red River, but are still greater than the EPA Chronic Aquatic Life SLC when adjusted for hardness (alkalinity measured as mg/L $CaCO_3$).

Molybdenum in sediments showed small increases through the Molycorp mine property and below Outfall 002 south of the tailing ponds.

Fish Sampling

In the spring of 2003 the New Mexico Fish and Game Department issued an advisory not to eat trout caught in the Red River because of potentially dangerous levels of arsenic found in fish tissue. Further studies identified the source of the arsenic as fish food at the hatchery, and the advisory has since been lifted when the hatchery began using different fish food. Arsenic is generally either not detected or is found at very low levels in the Red River and on the Molycorp mine.

The EPA measured both the density (population) and biomass (collective weight) of trout in the Red River from Zwergle Dam downstream to the fish hatchery. Data from 1997 to 2002 showed a steady decrease in fish biomass beginning at the Molycorp mill and continuing to Cabresto Creek where biomass began to increase. However, data from 2001 and 2002 showed essentially no fish living in the Red River as it flows through mine property.

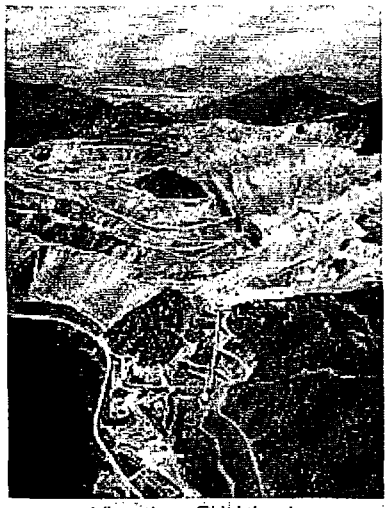
EPA also measured benthic macroinvertebrate (river bugs) population densities and the number of different taxa (types of bugs) in the Red River. These bugs provide food for trout and are an indication of overall river health. The density of macroinvertebrates was very low through mine property and decreased from 1997 to 2002, but the number of taxa actually increased as the river flowed through mine property.

Brown and rainbow trout tissues were sampled for metals and both species showed increases in cadmium, copper, arsenic, zinc, and manganese as sampling progressed from Zwergle Dam downstream through the mine area, Questa, and to the lower Red River in the area of the fish hatchery. Similar results were seen for benthic macroinvertebrates and bryophytes, with increasing metals concentrations occurring as sampling moved from Zwergle Dam downstream through Questa.

Sampling for the RI is scheduled to be completed by early 2004. After the RI sampling is done, the Human Health and Ecological Risk Assessments will be done in 2004, followed by the evaluation of remedial alternatives in 2004-2005, and the release of the Proposed Plan in 2005. The final document produced in the RI/FS process is the Record of Decision (ROD), which will be issued after the Proposed Plan is approved.

# Welcome to the Río Colorado Reclamation Committee Website.

To make the best use of this website, please read the Legend before proceeding.



Mine photo ©Lighthawk
Click on image for more detail.

This website has been created as a public resource for information and scientific data regarding the Molycorp mine, EPA Superfund cleanup activities and the EPA process for determining a cleanup solution for the mine site and the Red River.

On May 11, 2000, the Molycorp mine was entered into the the Federal Register and put on the National Priorities List of proposed Superfund cleanup sites.

The Molycorp mine is located in northern New Mexico near Questa, New Mexico. Questa is a small community located in the Red River watershed. The Red River, once a blue ribbon trout fishery, has been contaminated by acid rock drainage created by both natural and manmade processes. The Environmental Protection Agency has initiated a Remedial Investigation/Feasibility Study (RI/FS) which will help in determining the best way to clean up the Molycorp mine site and restore the Red River to its former quality.

| Hot News |
| --- |
| **RCRC launches its newsletter "*Cuentos del Río*"** |
| **Mine tailings used as bedding material for Questa water system.** |
| ***The ATSDR Public Health Assessment of Questa has been withdrawn and a new PHA begun!*** |

***Please get involved!***

The Río Colorado Reclamation Committee would like to stress three points about the Molycorp Superfund process:

- The Red River and the Village of Questa are important resources to northern New Mexico, economically, ecologically, agriculturally and spiritually.
- The Superfund process will determine the future health of the Red River and the Village of Questa. That process is currently under way and will for all practical purposes be forever decided by the EPA, the New Mexico Environment Department, the Mining and Minerals Division, and Molycorp.
- Getting involved now by educating yourself and expressing your opinion about the cleanup to the right people is your best opportunity to impact the decisions of the EPA and other agencies. As stakeholders, you have a vital interest in these decisions. As a member of the RCRC you will have input into the decision making process.

If public health is important to you, if landowner rights are important to you, if productive fisheries are important to you, if the local economy is important to you, if clean water and environmental health are important to you, the Red River and this Superfund process are important to you.

On this website, you will find a wealth of information from many sources on all sides of the issue. You will find applicable links to corporate, government and group sites. This website will be updated regularly as new material is available, so please check back frequently. Read what you can. Educate yourself. Then get involved by writing letters, sending e-mails and attending meetings. It does no good to have an opinion about the mine and the river if that opinion is not expressed to the right people.

Ask yourself, "***What kind of river and what kind of community do I want for myself and my children?***" Then tell the governor, EPA officials and legislators the answer.

Thank you for getting involved in this vital issue.

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Molycorp

# Questa Mine
# Remedial Investigation/Feasibility Study
# Fact Sheet

## Background

Molycorp was proposed to be listed on the National Priorities List (NPL) by the U.S. Environmental Protection Agency (EPA). In September 2001, Molycorp and EPA entered into an Administrative Order on Consent (AOC) that required a Remedial Investigation and Feasibility Study (RI/FS) be performed.

The purpose of a Remedial Investigation (RI) is to determine the nature and extent of any contamination at a site, to characterize potential risks to humans, animals, fish and bugs, and to gather necessary data to support the Feasibility Study (FI). The purpose of a Feasibility Study is to develop and evaluate necessary cleanup action alternatives for the site.

The objectives of EPA's RI/FS are to:

- Determine the nature and extent of any contamination, including any threat to public health or the environment;
- Determine and evaluate alternatives for site remediation.

## Questa Mine Study Overview

The field investigation phase of the RI/FS began in August 2002 and is expected to continue at least through the end of 2003. During this phase, samples of groundwater, surface water, soil, river sediment, fish, insects, plants, small mammals, and air are being taken. The sampling occurs in the following locations: Cabresto Creek, Red River (from above the Town of Red River to the fish hatchery), the Carson National Forest above the mine area, and in the area adjacent to the tailings facility (above and below) and north of Questa.

To date, we have drilled additional new wells and are regularly sampling 124 groundwater wells. Surface and groundwater, air, soil, fish, bug and sediment sampling continue. Fish, mammal, and vegetation tissue sampling has been completed and analysis is underway.

In summary the following is a list of Molycorp's sampling activities:

Analysis Completed

- Ground water – 1,765
- Soil Sampling – 3,341

✓ 1- Parcell
✓ 2- TAG File
✓ 3. Repository
4. Imaging

# TAG Quarterly Progress Report

**Date:** 8/17/03
**Report Number:** 3
**Report Period:** 4/1/03 - 6/30/03

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisors:** Steve Blodgett & Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- The RCRC Technical Advisors completed two documents: RCRC's Comments on the Public Health Assessment written by the Agency for Toxic Substances and Disease Registry (ATSDR), and RCRC's Response to Remedial Investigation / Feasibility Study work plan.

- A contact list of regulatory agencies and officials related to the Molycorp Mine situation was created for the community and will be included in the next RCRC newsletter.

- A RCRC board meeting was held on May 15, 2003.

- The RCRC website, established last quarter, was updated to include the latest activities and information. Flyers advertising the website were distributed and posted throughout the Town of Questa. The web site address is: www.rcrc.nm.org

- Board members attended the June 11 Questa Town Council meeting regarding the waste rock pile stability issue. Several board members spoke at this meeting voicing community concern about the situation.

- Board members attended Governor Richardson's town hall meetings in Taos and Questa on June 11. The president of the board, Roberto Vigil, addressed the Governor at the Taos meeting, calling for him to address the waste rock pile stability issue.

- RCRC petitioned and organized ATSDR visit and community meeting. RCRC hosted and facilitated a community meeting with ASTDR on June 24, 2003.

- RCRC board members copied, distributed, and posted the ATSDR site visit flyers across the Town of Questa.

- Board members attended ATSDR hosted community meeting June 25, 2003.

- RCRC organized a "citizen's tour of Questa" for ASTDR personnel to identify and expose Molycorp tailings spills.

- RCRC was successful in getting ATSDR to withdraw their first health assessment and obtained a commitment from ATSDR to draft a new, more complete health assessment.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- Updated web site: www.rcrc.nm.org
- RCRC's Comments on the Public Health Assessment written by the Agency for Toxic Substances and Disease Registry (ATSDR)
- RCRC's Response to Remedial Investigation / Feasibility Study work plan.
- A contact list of regulatory agencies and officials related to the Molycorp Mine situation.
- List of 2/26/03 and 6/24/03 community meeting attendees.
- Minutes of the 6/24/03 community meeting.
- Letters of petition to congressional delegation regarding the initial ASTDR Public Health Assessment.
- Flyers from the ASTDR Community Meeting.

**Activity Anticipated in the Next Quarter:**

- Sending RCRC Technical Advisors to Technical Working Group and Technical Review Committee meetings.
- There is the possibility of hiring a toxicologist, to review and coordinate some of the findings and issues pertaining to the ATSDR Sept 24, 2002 report and anticipated new report for Questa.
- Another Community Meeting is scheduled for next quarter.
- There will certainly be additional board meetings and a newsletter released.
- RCRC Technical Advisors will comment on any draft documents released by the USEPA or other relevant parties.

**Contact Information for Molycorp Mine Issues**
**Regulatory Agencies**

U.S. Environmental Protection Agency

Mark Purcell
EPA, Region 6 (Dallas)
214-665-6707

New Mexico Environment Department

Mike Reed
Permit Lead
Ground Water Quality Bureau
505-827-2340

Al Pasteris
Surface Water Bureau
505-827-2575

Jerry Schoeppner
Chief, Ground Water Quality Bureau
505-827-2919

Sandra Ely
Chief, Air Quality Bureau
505-827-1494

Ron Curry
Secretary, NMED
505-827-2855

Mining and Minerals Division

Holland Shepherd
Program Manager
505-476-3437

Karen Garcia
Bureau Chief, MMD
505-476-3435

Bill Brancard
Director, MMD
505-476-3405

## Elected Officials

Congressman Tom Udall
505-984-8950 [Santa Fe office]

Senator Jeff Bingaman
505-988-6647 [Santa Fe office]

Senator Pete Domenici, Sr.
505-988-6511 [Santa Fe office]

State Senator Carlos Cisneros
505-586-0873 (home)

Mayor Charlie Gonzalez
505-586-0694 (office)
505-586-1589 (home)

Governor Bill Richardson
(Contact: Hillary Tompkins, Deputy Counsel)
505-476-2222

Other Contacts

Tom Gorman
Office Of Emergency Management
505-476-9600

Ben Neary
Reporter
*Santa Fe New Mexican*
505-986-3035

William Maxwell
Reporter
*Taos News*
505-758-2241

Mark Purcell
US EPA, Region 6
1445 Ross Ave., Suite 1200, 6SF-LP
Dallas, TX 75202-2733

July 22, 2003

Dear Mr.Purcell:

I am submitting the following comments on the "Proposed South of Tailings Facility Additional Sampling Program, Molycorp Site, Questa, New Mexico" prepared by CDM on behalf of the Rio Colorado Reclamation Committee (RCRC).

Wind-Blown Transects

The Objective section of the sampling plan states, "The objective of the proposed program is to define the nature and extent of documented and undocumented releases to air, groundwater, surface water, sediment, and surface soil from the tailings facility." Because the prevailing wind azimuth ranges from southwest to northwest in the Questa area, it is critical to include an east-west transect. The two transects shown on Figure 1 have a general northwest-southeast orientation. One additional transect should be sampled in an east-west direction that would start on the east edge of the tailings and run directly into the Alta Vista Elementary School, located east of the tailings pond. This transect is needed to confirm surficial deposits of wind-blown tailings in the area of the school (formerly the high school) where numerous incidents of blowing tailings were recorded during the past 25 years (e.g., see articles in the Taos *News* on May 29, 1980; Santa Fe *New Mexican* on April 10, 1981; and Taos *News* on April 18, 1991). Because children have been exposed to blowing tailings for years in the area of the school, it is essential to confirm the nature and extent of wind-blown tailings near the school. Although the proposed sampling plan concentrates on the area south of the tailings pond, it is important to include a transect in an easterly direction to identify possible contamination east of the pond where the normal prevailing winds from the west would have deposited tailings.

Please call me at 505-838-3899 if you have any questions about these comments. Thank you.

Sincerely,
/s/ Steve Blodgett

Steve Blodgett
Technical Advisor
Rio Colorado Reclamation Committee

Cc: RCRC Board

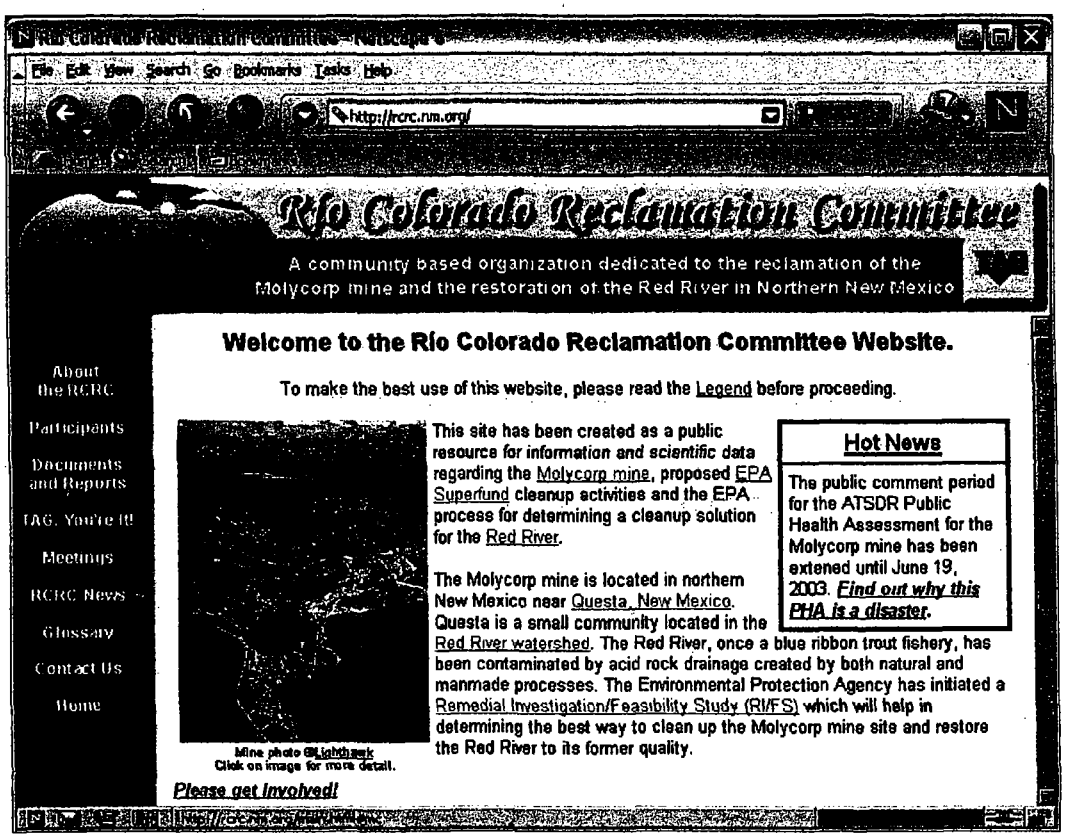
# ATTENTION

**Questa, El Rito, Latir, Cerro, Costilla, Red River, Lama, San Cristobal, Arroyo Hondo, Arroyo Seco, El Prado, Taos, Ranchos de Taos**

## *The Río Colorado Reclamation Committee*

**invites you to point your browser to:**

# rcrc.nm.org




**Read about the RCRC and how you and your community can be involved in the EPA Superfund investigation of the Molycorp mine site.**

**Give us your comments. Please Join Us!**

## *We are here for you!*

# A N U N C I O S

**BAHA'I FIRESIDE** will be held at 6 p.m. Friday (Sept. 19) at the Loma Parda Meeting Room. Speaker will be Neda Calabreza, a Baha'i youth from Albuquerque, who will talk about her 13 years of service at the Baha'i Center in Mt. Carmel, Haifa, Israel. For more information call Anna at 505-737-0204 or Fran at 505-751-1477.

**DREAMTREE PROJECT** will host two free workshops on Friday (Sept. 26). Participants are asked to RSVP by Sept. 24. Kathy and Karl Dennis, nationally recognized trainers in fund-raising and homelessness issues, will lead the workshops. Kathy Dennis will present "Fund-Raising" from 1-2:30 p.m., and Karl Dennis will present "Homelessness/Transitional Living" from 3-5 p.m. Both workshops will be held at the DreamTree Project, 128 La Posta Road. Call Kim at 758-9595.

**EMBUDO HEALTH CENTERS CLINIC** is hosting an open house with refreshments and entertainment from 4-6 p.m. Friday (Sept. 19). For more information call 505-579-4255.

**HUNTER EDUCATION CLASSES** will be held Sept. 26-28. Previous dates provided to *The Taos News* were incorrect. The classes will be held from 6-9 p.m. Sept. 26, and from 8 a.m-5 p.m. Sept. 27-28. Classes will be held at the Juan I. Gonzales Taos County Ag Center. For more information call Anthony Gonzales at 505-758-7862.

**LA FIESTA DEL RÍO CHIQUITO** will be held from 9 a.m. to 5 p.m. Saturday and Sunday will include live entertainment by local groups, food by local vendors, games, arts and crafts, fund-raisers and prizes. For more information call Effie, 758-7262.

**LOWER DES MONTES NEIGHBORHOOD ASSOCIATION** will have its annual meeting at 6:30 p.m. Tuesday (Sept. 23) at Arroyos del Norte School on Hondo-Seco Road in Des Montes. Everyone is invited, and refreshments will be served. Call 505-776-0833.

**PEDALPALOOZA** hosted by Taos Cycle Club will be held Sept. 21 at Fort Burgwin. Road, mountain and cyclocross clinics, yoga, maintenance and training, and a kids' ride will be among the events. For more information, visit www.taoscycleclub.com or call 505-751-7887.

**PEOPLE FOR KUCINICH** will host a "Kucinich Coffee" at 1:30 p.m. today (Sept. 18) at the Taos Public Library. A short video will be presented, followed by discussion and refreshments. Everyone is welcome. For more information call Ariel Schoen at 505-776-1035 or Barbara Brock and Gary Cook at 505-758-5822.

**RÍO COLORADO RECLAMATION COMMITTEE** will hold a community meeting on the Superfund process at the Molycorp mine site at 7 p.m. Wednesday (Sept. 24) at the La Ciénega Community Center in Questa. For more information visit www.rcrc.nm.org.

**SENIOR MOBILITY PROGRAM** makes available to wheelchairs at no cost to the recipient, if they qualify. No deposit is required. Please call 1-800-451-0971 to see if you qualify.

**T'SHUVAH WORKSHOP** will be held from 2-6 p.m. Sunday (Sept. 21) at the Taos Jewish Center. Rabbi Shefa Gold will present a workshop for the high holidays, combining her Judaism with Buddhist, Christian, Islamic and American Indian traditions. Fee is $30. Call 505-758-8615.

**TAOS ALL-STARS** dance team is holding two fund-raisers this weekend. The girls are raising money to go to London to perform in the New Year's Parade. A bake sale will be held starting at 9 a.m. Saturday (Sept. 20) in front of Raley's. Call Renée Romero, 505-776-8156. Also, a pancake breakfast will be held from 9:30 a.m. to 2 p.m. Sunday (Sept. 21) at the Taos High School cafeteria. Cost is $6 for adults and $3 for children 12 and under. Tickets for the breakfast can be purchased at the door or from Stephanie Romero, Nicole Abeyta, Elena VillaFranca, Alicia Gonzales and Edna Córdova. For more information call Walter Córdova, 505-770-2402.

**TAOS FOURSQUARE CHURCH** is hosting a four-day evangelistic meeting with evangelist Judy Warnack to begin at 10 a.m. Sunday (Sept. 21) and continue at 7 p.m. Monday (Sept. 22) through Wednesday (Sept. 24). For more information call Pastor Norbert García, 505-758-4131.

**TAOS YOUTH HOCKEY REGISTRATION** will be held 10 a.m. to 2 p.m. Saturday (Sept. 20) at Taos Cyclery, 1027 Salazar. Registration is open to boys and girls ages 5-17. It will include an equipment swap and sale and refreshments. For more information call Margaret Palmer, 505-758-3599 or Doug, 505-758-5551.

**THE GREAT STORY**, a film by Thomas Berry, will be screened at 7 p.m. Wednesday (Sept. 24) at Anglada's Building, 736 Kit Carson Road. Doors open at 6:30 for early seating. The event is sponsored by Taos Sustainability Systems. A panel discussion will follow. Suggested donation is $5. Call 505-737-2030.

**TIERRA BLANCA NEIGHBORHOOD ASSOCIATION** will hold a meeting at 10 a.m. Saturday (Sept. 20) to review priorities for 2003 and discuss other items of interest to members. All members and residents of TBNA are encouraged to attend. For more information and location call 505-758-7704.

**TUESDAY NIGHT LIVE IN TAOS** will host a free workshop on the cognitive and intellectual development of children, from birth to age 5, presented by Kate O'Neill, M.Ed., Ed.D., LPC. It will be held from 6:30-8:30 p.m. Tuesday (Sept. 23) at the UNM-Taos Family Resource Center, 1335 Gusdorf Road, Suite Q. For more information call 505-758-1395.

**VADITO COMMUNITY ART AND CRAFTS FAIR** will be held from 10 a.m. to 5 p.m. Saturday and Sunday (Sept. 20-21) and Sept. 27-28 at the Vadito Community Center, off State Road 75 three miles north of Peñasco. Local crafters will show their ar homemade fo able. For more Arlene López,

**VETERANS** meet at 12:3 (Sept. 21) at Theatre on Al to plan activiti Veterans Day e the Vietnam W ans. For more Helen n at Eddie ard 9134.

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## REGIONAL

### ANGEL FIRE

**Plein-Air Paint Off,** demos by professional artist, artists paint in afternoon with sale of works at 6 p.m. reception, 9 a.m.-8 p.m. Saturday (Sept. 20), $50 artist for all functions and prizes, $10 guest. Valley of the Utes. Call Linda Bishop, 505-770-3952 or 505-377-4401. E-mail lbishop@angelfireresort.com.

### PEÑASCO

**Art for the Heart Studio,** health through creativity, free to the community, walk-ins welcome, across from Peñasco post office, 10 a.m-noon Thursdays, art for anyone; 1-3 p.m. Thursdays, women only; 3-5 p.m. Friday, teens only; 11 a.m.-1 p.m. Saturday, woodshop; other days by appointment. Groups welcome, studio/gallery open weekends. Call Jean, 505-587-0202.

**Healing Our Grief** support group; anyone experiencing loss of loved one welcome; books, information and videos available, first Thursday of month, 7 p.m., Guadalupe Center kitchen. Call 505-587-1066.

**Peñasco Toy Lending Library,** free toy-lending library for anyone who has or works with children 8 or younger, Monday, Thursday and Friday, 4:15-5:45 p.m., Vadito Headstart. Call 505-758-1395.

### PICURIS

**Alcoholics Anonymous** Thursdays, 7 p.m. Picuris Pueblo in the Tribal Administration Building. Call 505-587-2519.

### POJOAQUE

**Gathering 4 Mother Earth,** seventh annual gathering, with theme "Color of Peace: Color, Vibrations and Healing for a Peaceful Future," sunrise to sunset Sept. 19-21, powwow grounds 1.8 miles west from Los Alamos turnoff on Highway 285/84. Free. Call Tewa Woman United, 505-747-3259.

### QUESTA

**Community Meeting,** Río Colorado Reclamation Committee is holding a meeting on the Superfund process at the Molycorp mine site, 7 p.m. Wednesday (Sept. 24), La Ciénega Community Center. For more information, call go to www.rcrc.nm.org.

**Questa Toy Lending Library,** free toy-lending library for anyone who has or works with children 8 or younger, Wednesdays, 2-7 p.m., La Ciénega, (old Elementary Building). Call 505-758-1395.

**Senior Citizen Dance,** with music by J.R. and Ronnie, food will be served, 1-4 p.m. every Sunday in September, Stop-N-Go Tewa Lounge. $2. Call J.R. Cisneros, 505-586-0696.

### VADITO

**Arts and Crafts Fair,** in conjunction with High Road Art Tour, local crafters artwork and local homemade food and goodies, 10 a.m.-5 p.m., Vadito Community Center, off Highway 75, three miles northeast of Peñasco. Call Arlene Lopez, 505-587-1881.

## ONGOING

**A Course In Miracles.** How to create more love, joy and well being in your life. Reading and discussion of book "A Course In Miracles. Tuesdays, 6:30



SEPT. 18-24, 2003

**Date:** Wednesday, July 16, 2003 11:52 AM
**From:** Steve Blodgett <[redacted]@sdc.org>
**To:** hope buechler <hopesmail@zianet.com>, Karen Douglas <minniemoomoo@comcast.net>, Ken Klco <azirite@amigo.net>
**Cc:** <douglas@nm.net>, <rconn@amigosbravos.org>, <btatum@laplaza.org>, <tsfish@laplaza.org>, <redhow@taosnm.com>, <herrera02@kitcarson.net>

Greetings:
I just spoke with Mark Purcell and can provide the following information.

1. The sampling plans in the appendix to the RI/FS work plan have essentially been approved and maps in the work plan show the locations of samples. The only other sampling plan submitted to date in the "South of tailings pond" plan which I wrote a comment letter on.

2. Mark wants to convene the "Questa Coalition" in mid-August to discuss our issues, specifically the locations of organic waste on the mine site. We will need to sit down with Carlos, Joe. C., and Roberto and locate sites of these "wildcat" dumps on a map and then Mark will schedule a trip onto the mine to allow those individuals with knowledge of such dumps to point them out in the field. But WE have to provide the locations and then compare those locations with the sample points that have already been approved to see if these dumps may have already been sampled.

3. EPA has not yet approved the "historical spills sampling plan" submitted by Molycorp more than one year ago. This plan is supposed to cover all areas where tailings have been spilled, dumped, or placed in Questa. Until the final draft plan is submitted (which will be done only after EPA submits its comments on the original plan), the RCRC will not be able to review the plan. Mark is generally aware of where tailings are located in Questa and is willing for the RCRC to provide specific information on the location of buried tailings in water lines. Again, WE have to locate these areas on maps and provide that information to EPA.

4. On June 26th, Molycorp sampled Cabin Spring. Mark does not expect to see those sample results until early August. EPA did not get split samples from this effort, but hopefully Al Pasteris of NMED-Surface Water will collect another sample from Cabin Spring this week when he is in the field with folks from EPA to sample the Red River. He believes that the 3 extraction wells installed by Molycorp are intended to capture the discharge from Cabin Spring, but I pointed out that these wells are more than half a mile upstream and Vail's report says that these wells may not create a cone of depression (other than the one that exists in my tiny little mind right now) for several years. We will be talking to Scott Wilson of the EPA NPDES program to make sure that Cabin Spring is included in the NPDES permit.

5. I told Mark that I would submit my comments on the "South of tailings pond" sampling plan today and that Ken would most likely submit his written comments on the RI/FS work plan this week.

Steve

**Comments on Public Health Assessment for**
**Molycorp, Incorporated**
**Questa, Taos County, New Mexico**
**EPA Facility ID: NMD002899094**
**Prepared by**
**Agency for Toxic Substances and Disease Registry**
**September 24, 2002**

**By**
**Steve Blodgett**
**Technical Advisor to Rio Colorado Reclamation Committee**

**June 2003**

## Introduction

The following comments have been prepared on behalf of the Rio Colorado Reclamation Committee (RCRC) on the Public Health Assessment written by the Superfund Site Assessment Branch, Division of Health Assessment and Consultation of the Agency for Toxic Substances and Disease Registry (ATSDR) for the Molycorp molybdenum mine east of Questa, New Mexico. These comments address both procedural flaws in the preparation and release of the report and technical oversights noted throughout the report. Following an analysis of the report, conclusions and recommendations are provided to ATSDR. These comments are organized to follow the format of the ATSDR report.

Procedural Errors

First, this report was not released to either the RCRC or people of Questa with any public notice, *even though the formal release appears to have occurred the day after a public meeting held by EPA on the RI/FS process on November 12, 2002 and the date on the cover of the report is September 24, 2002.* The EPA did not mention the ATSDR report in the November 12th meeting and the RCRC only learned of the existence and release of the report in late February 2003. After several e-mail and phone communications between the RCRC and ATSDR, the ATSDR agreed to extend the comment period on the report until May 16, 2003 and then again until June 19, 2003. **Given the numerous errors and oversights noted in the report, the RCRC recommends that the report be withdrawn; local citizens, health care providers, and government officials be interviewed; and the report be re-written, and released again for comments from the public.**

**Second, the report should be written in both English and Spanish, which is the first language of many of the residents of Questa.**

**Third, ATSDR should hold an independent public meeting in Questa when the report is issued again to explain the methodologies, assumptions, and conclusions to the public *in person.***

Summary

The last sentence of the first paragraph is inaccurate and should either be deleted or re-written. Substantial data exists from the period before 1994 and the conclusion that "... the potential for past exposures cannot be evaluated" is flawed. Files of the New Mexico Environment Department (NMED) contain documentation of at least 225 releases of tailings into the Red River, and numerous news articles in the *Taos News* and *Albuquerque Journal* document the fish kills, tailings dust storms, and complaints of local residents since 1965.

Most importantly, since about 1970 many health care providers in Taos County have treated Questa residents for health problems that the residents have attributed to the mine. This report contains no evidence that any health care providers were contacted in compiling the report.

**When this report is re-done, Taos County health care providers should be contacted to compile medical evidence of the health problems that Questa residents which the residents ascribed to impacts from the mine when they gave their medical histories.**

On page 2, second bullet, there is no mention that the EPA has required Molycorp to post written notices in every rest room on the mine that tap water contains levels of beryllium and nickel that are two orders of magnitude above the MCLs (Maximum Contaminant Levels) and is considered unsafe for human consumption. This posting is a legal requirement under the Safe Drinking Water Act and should be duly noted in this report.

On page 2, third bullet, there is no mention that the residents who used the well with elevated values of sulfate, nickel, cadmium, and manganese have both reported health problems that are indicative of heavy metal poisoning. These residents have filed a lawsuit against Molycorp for polluting their well and causing their health problems. Although this case is still under litigation, the circumstances should be described in this report. These residents are willing to talk to ATSDR to explain the history of their well and their health problems.

On page 2, fifth bullet, it should be noted that water from private wells in the vicinity of the tailings impoundments caused health problems for the users and that Molycorp installed new wells for the owners and reached settlements which do not allow the owners to discuss their past health problems or effects from the contaminated water on their livestock.

On page 3, under *Air*, statements made about blowing dust from the tailings impoundments grossly simplify the chronic problems of blowing tailings in Questa and their impacts on public health. In fact, the air quality monitoring of blowing tailings has been and continues to be inadequate and interviews with local residents and a review of newspaper articles would have revealed the numerous problems at the High School and in town as a result of blowing tailings. As recently as January 2003 blowing tailings dust in Questa resulted in complaints to state agencies about the problem. This section in the Summary and subsequent discussions of blowing tailings dust and their impact on public health should be re-written to include more accurate information.

The ATSDR conclusion category chosen in the paragraph below *Air* on page 3 ("no apparent public health hazard") is incorrect. Using the ATSDR's own standards, it is clear that the only appropriate conclusion category at this time is "potential/indeterminate public health hazard." The ATSDR acknowledges throughout this report that insufficient data are available to categorize past health exposures and so has ranked past exposures as an "indeterminate public health hazard." It is also important to note that the EPA has not yet conducted the Human Health Risk Assessment under the Remedial Investigation. **Because no comprehensive data collection has been done in the town of Questa and because local residents continue to report chronic health problems of unknown provenance, it is also appropriate to classify current exposures as an "indeterminate public health hazard."**

Purpose and Health Issues

C. Site Visit (p. 9)

According to this section, the ATSDR conducted one site visit in December 2000 in which staff met with personnel from state agencies, EPA, and Molycorp to discuss ATSDR's mission and describe the public health assessment process. From this sentence it would appear that ATSDR spent one day in Questa more than two years ago and managed to not speak with any actual residents of Questa or with any elected officials from the village government.

A few interviews with local residents would have revealed that the health problems in Questa are real and have been ongoing over the past 35 years and that facile conclusions about the source of these health problems is unwise. One wonders how the ATSDR can issue a "public health assessment" without actually speaking to the public whose health is being assessed, but apparently that is the case here. **When this report is re-done, staff from ATSDR should meet with local residents and local government officials to acquire more accurate and detailed information about current and past health impacts.**

Discussion

B. Extent of Contamination and Public Health Implications

Groundwater (p. 11)

The first sentence in this section states:

> *"No health hazards are associated with current or potential future use of groundwater at or in the vicinity of the Molycorp site, based on current groundwater use patterns."*

This statement is inaccurate. It does not say, "It is unlikely that" or "Given the following circumstances, no health hazards..." but makes a definitive claim that is contradicted by existing data. First, Molycorp has been required to post warning notices at all water taps on the mine that it is unsafe to drink water from the tap because of elevated levels of beryllium and nickel. Second, the EPA has not yet conducted the Human Health Risk Assessment required under the Remedial Investigation, so such a claim is at least premature. And third, how can the ATSDR speculate about "potential future use of groundwater at or in the vicinity of the Molycorp site?" It is highly likely that when the RI/FS is completed, it will be necessary to impose Institutional Controls (e.g., deed restrictions) to prevent future owners of the Molycorp property and adjacent properties from drilling wells, using water from existing wells, and using contaminated water, given the elevated levels of toxic metals found in existing wells. **This statement should be qualified to define the conditions under which "no" health hazards would be associated with future use of groundwater.**

The last sentence on page 11 states:

> "ATSDR is unable to determine the full extent of any past exposures because there are no further historical data."

Given that mine employees were drinking water from 5 on-site wells from the late1960s until 1997 and that sampling of 3 of those wells between 1991 and 1997 revealed elevated levels of

cadmium, lead, TDS, and/or sulfate, it would appear that mine employees had significant exposures to contaminated groundwater on the mine. Variants of this statement occur throughout the report: that ATSDR is unable to determine the extent of past exposures. On page 13, the report states that, "Drinking water quality and contamination levels in the past remain undetermined." This statement points up one of the most difficult tasks for the RI Risk Assessment: how to measure the risks and impacts from past exposures given limited data.

Other statements like, "However, there is no reason to believe that people are currently drinking contaminated water or will do so in the future" (p. 12, third bullet) are careless. The full extent of groundwater contamination on and adjacent to the mine has not yet even been defined, nor is full extent of tailings deposition from past spills into the river and in town fully understood. **The statement on page 12 quoted above should be deleted from the report.**

Public Water Supply (The Village of Questa)

ATSDR should be aware that several residents of Questa have reported that tailings were used to backfill trenches containing water lines (e.g., along Embargo Road) when they were replaced or repaired in the last three decades. Because the water lines consist of several different types of pipes (e.g., cast iron, clay, PVC, concrete) and the tailings contain pyrite which oxidizes to produce acid and lower the pH of water, it is possible that metals have leached from the tailings and into cracked or corroded water lines in individual houses or neighborhoods in Questa. Samples of water from the village wells are taken at the wellhead, not at the tap in houses. **This pathway should be investigated further in the Risk Assessment phase of the RI and should be acknowledged in this report.**

Air (Particulates), p. 24

Dust generated in the past from tailings impoundments did not "reportedly" produce conditions that disturbed downwind populations, it actually *did* produce conditions that disturbed downwind populations. Blowing tailings caused several delays at a state championship baseball game in Questa on May 24, 1980 (Taos *News,* May 29, 1980). Because of blowing tailings, students at Questa High School walked out of class on April 8, 1981; 65 students and their parents marched to Molycorp's offices on April 9, 1981 to complain about chronic blowing tailings; and students collected more than 200 names on a petition protesting the blowing tailings dust (Santa Fe *New Mexican,* April 10, 1981). In addition, students and teachers at Questa High School conducted a survey on health and medical problems as part of the petition presented in April 1981. On April 10, 1991, the Middle School was closed early due to blowing tailings (Taos *News*, April 18, 1991). ATSDR also should be aware that the Air Quality Bureau of NMED received complaints from Questa residents on January 14, 2003 about blowing tailings in town that caused eye irritation, reduced visibility, and respiratory problems for some people.

The claim that total suspended particulate (TSP) standards have been exceeded only 4 times since 1979 (p. 3) is a clear indication of the inadequacy of the air quality monitoring at the tailings ponds. The air quality permit issued by NMED for the tailings facility is required to operate for 24 hours every sixth day, which means that sampling is done only 60 days each year (17% of the time) and any "excursion" events that occur on days without sampling would not be

recorded. Such events occur each spring or during high winds, and the mine inevitably claims that there were unusual circumstances not likely to happen again. And then it happens again. The long-term viability of re-vegetation of the tailings ponds has yet to be demonstrated and blowing tailings are a potential long-term problem in Questa.

C. Community Health Concerns

On page 27, the report states that, "It is unlikely that these minor respiratory effects would be associated with any chronic health problems." **The RCRC would like to know what basis ATSDR has for making this statement given the lack of consistent air quality and health data for Questa.**

Conclusions

Comments on Conclusions listed on pages 30 and 31 of the ATSDR report have been made where these conclusions appear elsewhere in the report. **As stated in the Procedural Errors section of these comments, this report should be withdrawn and re-written after ATSDR actually interviews Questa residents and Taos County health care providers who have treated Questa residents with health problems which could be caused by the impacts of the Molycorp mine and tailings facility. The RCRC can provide copies of news articles documenting both tailings spills and blowing tailings in Questa. ATSDR should issue a written retraction which acknowledges that this report was issued prematurely and will be re-done with input and cooperation from the citizens of Questa and the local government.**

**If ATSDR does not re-write this report and re-issue the existing report with an appendix of public comments and no changes to the content of the report, the RCRC will work with Senators Domenici and Bingaman and Representative Udall (who are being copied on these comments) to see that the report is retracted and re-done properly.**

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

July 7, 2003

Rio Colorado Reclamation Committee
P.O. Box 637
Questa, New Mexico 57556

**RE: RESPONSE TO REMEDIAL INVESTIGATION/FEASIBILITY STUDY, MOLYCORP QUESTA SITE FINAL COPY**

**Introduction**

The Questa Molycorp site Remedial Investigation/Feasibility Study is a sizeable compendium of a number of site investigation results performed over the past number years by Molycorp, Inc., Robertson GeoConsultants, and Dames and Moore, the last two mentioned private consulting firms. The company responsible for final draft production of the RI/FS is URS, Denver, CO. The document has been signed off by a Molycorp official (A. Wagner, PhD.) as a truthful rendition of all data presented.

The RI/FS contains a detailed description of all mine structures and facilities including all waste dumps, pits, excavations, tailing dumps, underground workings, shop and maintenance facilities, bone yards, process areas, fuel storage and transfer areas. Each area described has been chemically characterized by dozens of sample locations including rock, water, soil, and air samplings. Man made and naturally occurring phenomena induced by physical and chemical changes were described and characterized in detail, including the "scar" areas found throughout the site and general region of steep slopes and sulfide bearing rocks which undergo oxidation when exposed to atmospheric conditions. This document also includes flow diagrams identifying potential pollutants and their respective receptors. The Feasibility Study portions of the document list various possible actions that may be entertained for implementation of final remedy at the site. The alternatives as listed range from minimal action(s), such as simple administrative actions (fencing, posting, restriction of access) to a series of higher levels of remedy action(and associated cost) depending mainly on the volume and extent of rock haulage which will eventually be committed to by Molycorp in order to meet final reclamation task standards agreed upon by Molycorp, the NMED, and the USEPA. This document, while noted to be in a final draft format, does not specify the final remedy action(s) to which Molycorp will commit, nor the associated costs.

**Summary and Conclusion Comments**

The main focus of the reviewer of this document was to develop an understanding of the hierarchy of the potential risks of pollutant(s) and their associated pathways to the Red River and the downstream communities including Questa and surrounding enclaves. From a practical perspective, comments concerning mine site remedial action will be listed separate from the tailings areas, due to considerable differences in the type and degree of risk and considerable difference in actions that may be appropriate for each area.

Mine Site Concerns

From the data currently available for review, which is subject to addition and change as current field sampling continues, the number one risk factor at the mine site is the impact of metal contaminated ground water flows from the various waste rock piles directly to the Red River drainage. The various rock piles have been characterized both physically and chemically in detail. While the RI/FS is careful to note that the number of data points currently available may not be statistically valid to achieve a high level of certainty regarding a calculation of average metal(s) contents over the entire waste pile in question, enough information is available to discern basic trends and understanding of the impact of the waste piles on off site impacts, namely the Red River. While there appears some variance in the levels of metals of concern throughout each waste pile, with some areas within certain waste piles appearing to be much less acid producing than other areas, every waste pile investigated has some common characteristics. Namely, the waste rock piles operate as colluvium aquifers, a rock and soil matrix that transmits, holds, and transfers subsurface water which may arrive at that location via underground flow through bed rock, underground flow through alluvium, or accumulation of surface water from meteoric sources(rain and snow). The rock and water samples taken from the numerous sampling locations generally show low pH (acid rock and/or acid water) conditions, moderate to high levels of Aluminum, Barium, Copper, Iron, Lead, Manganese, Strontium, Sulphur(in form of Sulfides) and Zinc. Water samples from these areas reflect high levels of Total Dissolved Solids (TDS), mainly in the form of sulfates. A spread of lesser amounts of additional chemistry of concern are present including Arsenic, Cobalt, Chromium, Thallium, Scandium, Vanadium, Yitrium, and Zirconium. As long as the waste dumps remain in their present state of location, they will continue to be a source of AMD and associated metal contamination to the Red River. Given the steep slopes and large aerial extent of exposure to water and oxidation potential, the waste dumps must be considered the largest single type of pollution source found at the site. Waste dump rock was described in the RI/FS as "two to five times more likely" to produce acid mine drainage as neighboring bedrock, aplite, andesite, or even the mineralized zones commonly known as the scar areas. While encapsulation of acid producing waste rock is a common and effective technique used for AMD control, successful encapsulation of the sulfide bearing waste dump material in their present locations is highly speculative and may be best described as ridiculously optimistic given their angle of repose and extreme length of slope run. Even if enough non acid producing material could be brought to the various locations to cover the waste dump to an adequate depth (four feet minimum to minimize frost action), the material would not inhibit water migration without application of some type of water impermeable membrane. Encapsulation in place would not address the movement of water from

underground sources (bedrock or neighboring alluvium) to the colluvium waste dump zones, implying that encapsulation in place would not be effective in controlling AMD generation. Furthermore, recent evidence of slope failure (Goat Hill) from behind the waste dump in scar material which had been backfilled with waste dump rock underlies the fact that the current location of the waste dumps is unstable both physically and chemically and will continue to be so until moved to some other location. In addition, the mechanical stability of the outslope surfaces the waste dumps in their present location is clearly reflected in the large vertical rills easily noted at each dump location. Stormwater management and control of steep slope failure due to rainfall and/or snow melt (surface water management) from outslopes of the waste dumps does not appear to be effective. The RI/FS does not address a long term, final plan for stormwater management or outslope erosion control during present mining operations nor final closure of the site. Given the dubious state of mechanical and chemical stability of the waste dumps in their present locations and attitudes as described in the site characteristics sections of the RI/FS and from field observation, complete relocation of the waste dumps should be considered as a preferred alternative action. The complete relocation of waste dump material is included in the range of options in the RI/FS for final site remedy implementation, but has not been identified as a preferred action as yet. Waste dump relocation to the main pit area addresses a number of areas of concern including waste dump material, the pit area itself, and improves the potential for a more stable final slope configuration, effective encapsulation, and better control of run-off and sedimentation.(stormwater management). However, some final slope must be left on the original steep sloping areas from which the dump material would be removed, necessitating the planning and execution of a final slope stabilization plan in these areas regardless of the final location of the dump material. The cost of waste dump relocation will add considerably to closure cost estimates of time and dollars and should be reflected in adjustment to the bonding requirements for the site.

The second concern of potential pollution source emanates from the underground mine workings and associated water discharges, since most of the subsurface drainage and parts of the surface drainage areas(especially Goat Hill and parts of Capulin Canyon) are controlled by underground workings in connection with the cave blocking/subsidence areas in the western portions of the mine site. The RI/FS states that mine dewatering operations are on-going and utilize the slurry pipeline to transfer as much as 2800 gallons per minute of mine water from the site to the tailings area. It is not clearly stated if the water has been or will be treated prior to release to the slurry pipeline or directly to the Red River should the pipeline be dismantled and removed as noted as a preferred action in the close out plan approved by the State of NMDE. Regardless of pipeline operation for mine dewatering, the treatment of mine water prior to release to Red River or other (Rio Grande) drainage begets a basic dilemma presented in the RI/FS but not discussed in enough detail to guess the process or outcome of certain actions that may or may not be entertained at the site prior to, during, and after close out work is performed. The impact of rising underground working water levels on springs and seeps along the Red River is not clearly described in the RI/FS document. What is stated in the document is that all areas, structures, and sites currently covered by a permit, such as a mining permit, close out permit, NPDES permit(to discharge), or other operating type of permit are outside the jurisdiction of the CERCLA process and will remain so as long the permit is valid. This in effect puts the entire area of active mining operations out of the CERCLA process unless a pollution stream can be identified

leaving the permit boundary via water or air transport. This is an interesting statement in that the RI includes extensive description, characterization, and potential remedy discussion of the waste rock dumps, which are active mining structures within in the current mining permit boundaries. It would seem that it would be appropriate to characterize the mine dewatering volumes and chemistry and include a discussion of site-wide impacts of pumping/not pumping, treatment (or not), and final plan for return to Red River drainage. It appears that due to the current scope of CERCLA's domain, some important long range operational issues are not yet being scrutinized.

Tailings Area Concerns

The tailings area constitutes a separate series of risks and data sets. Whereas the mine site soil and water data show clear evidence of some level of pollution under production, the tailings data does not reflect an obviously reactive soil and rock chemistry. Even though sulfite content was high (2%) the overall acid producing potential was low due to high calcium carbonate content in the tailings materials sampled for analysis. It is assumed that the high carbonate content of the tailings samples is due to the addition of lime to the tailings prior to discharge to the tailings area via pipeline. AMD (Acid Mine Drainage) production from the tailings area does not appear to be as likely as from the mine site waste dump materials. However, water quality impacts will likely continue in the form of high Total Dissolved Solids, mostly sulfate content. Metals pollution potentials do remain downstream of the tailings areas via seeps and outfalls, as "water treatment " to date prior to discharge via pipeline has been limited to pH adjustment via lime addition but no removal of residual metals content in the tailings. Downward migration to lower aquifers within the Rio Grande River drainage of any potential pollution stream is likely to be minimized by the presence of a middle aquitard rock unit( a shale or clay layer), which will likely impede downward migration of pollution and an underlying aquifer exerting an upward pressure on the aquitard unit, according the description in the RI/FS. These geologic conditions will likely result in the land areas directly below the seeps and outfalls bearing the main brunt of pollution stream leaving the tailings area. Land owners in these areas have experienced serious health problems related to metals ingestion by humans and animals (C. Herrara ATSDR disposition). Table 3-6, titled "Comparison of Tailings to Region 6 Risk-Based Screening Levels for the Industrial Outdoor Worker", shows arsenic levels exceeding the Screening Levels in a spread of 38 elements/valence parameters. Metals of potential concern measured at significant levels include Aluminum, Barium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Molybdenum, Strontium, Vanadium, and Zinc. The RI/FS does not present sufficient data of air borne contaminant levels in dust emanating from the tailings to characterize the tailings as benign or a potential health risk at this point in time. There is no doubt that the tailings create a nuisance dust problem at frequent intervals related to local weather conditions and have on occasion resulted in curtailment of school and other recreational use to young people who live in the general area. Gauging the potential for long term health impacts has been addressed by the EPA via additional sampling sites for well sampling, airborne dust sampling, and additional seep sampling during the 2003 field season. Additional data may result in a better understanding of the potential health risks to the local human and animal population. The recent proposal (CDM) for airborne soil and water sampling does not appear to include a sampling transect that addresses airborne pollution in

the area of the school grounds which have experienced a number of poor air quality events over the past number of years.

In the event that tailings delivered to the area between the last set of sampling data and the termination of tailings disposal at this site change in regards to their geochemistry, such as a change in process that might decrease resulting calcium carbonate content in the tailings, or a change in the ore body chemistry, such as increasing pyrite content, then the tailings could develop AMD characteristics similar to mine site conditions. However, at this time, it appears that the largest single source of pollution in this area will likely continue to be airborne dust from the tailings unless a more aggressive program is instituted to cover and re-vegetate the tailings with particular emphasis to minimize acreage of exposed tailings at any one time. A secondary concern of water pollution via high sulfate content and related high TDS is also warranted from seep and sub-surface water sources directly downstream from the tailings dam(s).

Kenneth S. Klco
Azurite, Inc.
Consulting Geologist

ATSDR Meeting with Rio Colorado Reclamation Committee and other Questa Community Groups - June 24, 2003

The meeting was held at La Cienega, Questa, NM and began at 6:00.
Attending:

ATSDR: Debra Joseph
Lisa Hayes
Elaine McEachern
Kristina Larson
Patrick Young

EPA: Beverly Negri
Mark Purcell

RCRC: Rachel Conn
Marsha Reddell
David Douglas
Karen Douglas
Taylor Streit
Carlos Herrera
Roberto Vigil
Brooke Tatum
Hope Buechler
Juhan Wathawa
Bonnie Wathawa
Ken Klco
Steve Blodget

Red River Watershed Group:
Michelle Potter
Questa Safe Environment Group:
Brooke Tatum
Carol Morgan-Eagle
Questa Health Clinic:
Carla Cisneros
Taos County Public Health Association:
Faith Berghofer
Questa School Board:
Nancy Gonzales
Joe Cisneros
Questa Village Council:
Larry Sanchez

All participants introduced themselves and identified their group affiliation.

Rachel Conn commented on ATSDR's report having been issued without community involvement. She said she was shocked that no one had mentioned the report at the November EPA meeting held the day before the end of the official comment period. Mark Purcell from EPA apologized, saying that he had seen the report but had assumed that ATSDR had taken care of it. He agreed that notice was not adequate, but said it was "water over the dam".

David Douglas, said that ATSDR needs to begin from scratch, to put the original report behind and begin brand new - a totally clean slate.

Leslie Campbell: ATSDR, had a handout, *Public Health Assessment Process,* on how to do it right. The agency is required to do an assessment within a year after a Superfund site is listed, but they didn't follow the correct process. She said an entirely new document will be done and they will send us whatever number of copies the community requests. They will also have a representative at any EPA meetings with the TAG group. The original internal draft document was shared with EPA and most environmental data came from the EPA but community input is important and this they didn't do.

To study health outcomes, ATSDR has specialists available at the Agency, i.e. toxicologist (usually), environmental health specialists, engineer, hydroengineer. ATSDR will work with community so they will not feel blindsided, but release of documents often depends on available data. There is a logistic timeframe problem. She knows community is worried but ATSDR needs time. They will work with EPA. The report is always considered an open document. They will schedule a new public comment document midway in the process and revise it before release of the final document.

Roberto Vigil: He has data on dust incidents at the school, and content of tailings dust, including an analysis donein the early eighties which he'd be happy to give to ASTDR. In the area of water contamination there have been over 200 spills in the community of Questa. These and contaminants from seeps at the mine have impact on acequias which are used for irrigation of fields, fruit trees, and for livestock watering.

David Douglas: Acequias are the life blood of the community.

Hope Buechler: Many of the spills went directly into the acequias. In 1991, slurry ran one and a half miles down the South Ditch.

Leslie Campbell: How much subsistence farming in Questa? Is there a local contact?

Roberto Vigil: Walter Rael could give information.

Tailings are also a problem because they have every heavy metal and man made chemical the mine uses. Roger Herrera lives below the tailings and his drinking water well was contaminated, but he was told it was not. His children drank the water. There might be other families affected.

Steve Blodgett: EPA will be doing a risk assessment; The ATSDR report reads like a risk assessment – we need a true health assessment. Local people are afraid to come forward because of intimidation by mine. ATSDR needs to contact health providers – that's what hasn't happened. It's difficult on mine sites to track pathways; won't find cancer clusters. They don't have a lot of hard evidence. The original document found no apparent health effects.

Leslie Campbell has a handout on risk assessment and health assessment.

Karen Douglas: The mine held a session this AM with their employees – Ask the Doc, with Mary McDaniels, PHD in Public Health. Molycorp usually counters that any health problems have not been caused by the mine. They also pack the meetings, give miners time off to attend.

She is also concerned about notifications and information the community should know only showing up on ATSDR website, not in local papers.

Elaine McEachern – For community notification of ATSDR's activities, information is sent to publications but the Agency can't control what they print. She will make sure local papers get press releases and will send RCRC copies.

David Douglas: Molycorp will pack the community meeting and personal interviews with miners who will say they have no health problems. He also wondered since Questa is such a small community if the test sample is too small.

Leslie Campbell. This is a problem. Sometimes they have combined like sites. She needs to refer to an epidemiologist.

Debra Joseph: There is a 1-888 number to call. Epidemiologist will call Steve, or give quick answer tomorrow.

Beverly Negri. Do they interview people who have no health concerns?

Patrick Young: Never seen anyone say I'm totally healthy. It is also very common in Region 6 to get very few people from the community coming forward with health concerns.

Hope Buechler: The original report said that the potential for past exposures cannot be evaluated, but the new study should look into these more thoroughly. We know that that effects of asbestos inhalation don't show up for twenty years - this could be the case with tailings dust. She has a timeline of incidents and selected articles about past tailings spills and tailings dust which she will share with the Agency.

Larry Sanchez: He thinks it is very important to get feedback from community members on what they want.

Joe Cisneros: The school is the main corridor of all the dust coming out of the tailings. He said he is the oldest environmentalist in Questa, started 33 years ago and knows how many contaminants there were. I hope you people don' t come up here and say there is something wrong. There is something wrong. There was a doctor here in the early seventies that came out in the Albuquerque Journal and said there was a big problem with respiratory.

Leslie Campbell: I am working on a national program with schools and children and the environment. We're going to work with you. If there is something that we can identify

with the science we have, things will happen with that, but I can't promise you we can make all the changes we want.

Taylor Streit: He is a professional fishing guide and had the misfortune to open a fishing shop in 1980 when Molycorp began underground mining. The fish population went from 800 per mile to 80 in a two month period. His book on fly fishing in New Mexico describes how fishing is better above the conjunction of the Red River with the Rio Grande.

He talked to Dr. Larry Schreiber, head of the Questa Health Clinic for a number of years, who said there should be an independent health study.

Juhan Wathawa: He and Bonnie Wathawa own the Fishing Post. He feels the contamination has an effect on people who eat the fish. Hard to track health records because some people won't go to the doctor, they'll do home remedies. Questa is a divided community and there is a lot of hostility on both sides.

Brooke Tatum: She has been involved with kids and sickness and learning disabilities. She feels there is no need to hurry, what ATSDR needs to do is a detailed study.

Carol Morgan-Eagle: She lived in Questa 12 years – became very ill, in bed for a year with heavy metal poisoning which was confirmed by an environmental illness doector in Santa Fe. She was sick for a year before she found out. She is concerned that there are a lot of people in Questa who are ill and not coming out in the public eye. There needs to be a method to find out who needs to be interviewed.

Debra Joseph: Be sure to let people who are ill know about ATSDR and tell them to call.

Carla Cisneros: She is Director of the Health Clinic in Questa. They are willing to help in any way. They find they have to go out and bring information to people, people won't come to them. They are very private people here in Questa.

Faith Berghofer: She is new to the Taos County Department of Health, but is originally from Questa. She has been away a long time and sees lots of change. But Molycorp hasn't changed, is still intimidating the community.

The new regulations on privacy of medical records (HIPPA) may make it harder to do health studies. You can get statistical studies and that's about it. The health issues are important to her.

She thinks it important for ATSDR to talk to Game and Fish Department.

Marcia Reddell: She wants to know what papers this meeting was posted in.

Leslie McEachern: We don't pay for advertising but we did a radio announcement that we actually did pay for.

Carol Morgan-Eagle: If you call radio stations directly, they'll give you free time.

Marsha Reddell: She was concerned about having her well tested. Mark Purcell said that the State will do well testing for free. NMED will test a handful and NM Drinking Water Bureau is talking about testing water at the tap. They will do four or five samples and EPA will split.

Karen Douglas added that testing is free under DP 10-55 and the tests are more comprehensive.

Carlos Herrera:

Dust problems, water problems, well contamination – I'm one of them that was affected. My daughter here (Carla Cisneros) was five years old in 1966. In 1965 engineers said it was good water so from 1966 to 1988 we drank the water from my well. I was a mining company employee – I asked them many times if the water was bad – then I would connect to village water. In 1988 the mine administrator came and advised me about the bad water. I had kind of figured it was bad. My wife went on to heavy health problems. She suffered from thyroid problems. My son had thyroid problems.. My youngest daughter – her bone under gum deteriorated. My son he has an extra disk. Going back to a toxicologist – they claim it comes from contaminated water. My youngest daughter at the age of eight was experiencing white hair - from the tip to the root, not from the root to the tip. Years later I find out the hair turning white was from heavy metals. I put a lawsuit against the mine.

I've even seen my plumbing carrying something silicone. This particular day I was getting a glass of water and I was just looking at those particles floating in the water. I drained the water and saved the solids – I put them on a piece of paper – they dried out and resembled a piece of coal.

State water specialists from EID came to get water samples. She said, what a beautiful place. Then a small calf went by and she said, Carlos, do you know that it is going to get white. My son had cattle and the calfs would die after two weeks. I took one to a Taos vet who took serum samples. The tests showed high molybdenum, high aluminum, no copper.

Later on a calf that was about to calf died and tests on its liver came out the same – moly, aluminum and no copper. There is a concern if the cattle pick up that heavy metal in water or vegetation we have to pick it up that way.

Nancy Gonzales: She feel we need more qualitative studies. Her sister has an orchard and she feels she can't eat the plums. She wanted to know what the statute of limitations on health concerns.

Rachel Conn commented on the water delivery system in Questa. Water lines that have been backfilled with tailings can be a source of contamination at the tap that wouldn't show up in the Village wells.

The meeting adjourned at 8:30
Submitted by Hope Buechler – Secretary/Treasurer, RCRC.
July 21, 2003

**Update on Stability Board Discussions at Molycorp mine**
**June 17, 2003** FROM STEVE BLODGETT

This letter report is a summary of a conference call held from 2:30-4:30 PM on June 16, 2003 by members of the Molycorp Stability Review Board, MMD, NMED, EPA, and numerous consultants. To briefly summarize events leading to this call, on June 4, 2003 members of the Stability Board (Steve Vick; Nigel Schermer; and Jim Mitchell) submitted a letter to MMD, NMED, and Molycorp in which they alerted the agencies and the company about the extreme instability of the Goat Hill North waste rock dump in Goat Hill Gulch, and possible problems with the Capulin waste rock dump. In early December 2002, an inclinometer installed in the Goat Hill North dump sheared off at 91 feet. Because the dump is only 88 feet thick where the inclinometer is installed, the shearing occurred in weathered bedrock (possibly geothermal scar material) underlying the dump. Inclinometers are designed to bend (deflect) as the material in which they are installed moves. When an inclinometer shears off, it indicates a sudden movement. In this case, the entire dump appears to be moving downhill. The Board expressed concerns that a static liquefaction event (i.e., the dump becomes saturated with water as a result of intense rainfall, prolonged wet weather, or rapid melting of a heavy snowpack) could cause the entire dump to fail and move rapidly down Goat Hill Gulch where it could bury the Molycorp offices and ultimately run across the highway and, in the worst case, on downstream into Questa. If such an event were to occur, there would only be a few minutes to warn people in Questa and at the Forest Service offices to evacuate. Additional problems could be created by the waste rock damming the Red River and creating a lake, which would ultimately breach and flood Questa along the Red River. Because the conditions necessary to cause the dump to fail would likely involve flooding of the Red River (e.g., the 100-year storm), a huge amount of water would already be running down the Red River before the dump failed. Given the serious consequences of a dump failure, the Board exercised their judgement as Professional Engineers and warned the agencies and company about the extreme instability of the Goat Hill North dump and the need to develop an emergency response plan and a remedial plan for the dump as soon as possible.

The Board was originally convened as a result of a letter submitted by Jim Kuipers of CSP2 in January 2001 to MMD/NMED on behalf of Amigos Bravos. Kuipers' concerns were rejected by Molycorp, but the agencies understood the serious consequences of failed waste rock dumps and forced Molycorp to seek out and hire three of the recognized experts on mine dump stability. The Board reiterated their concerns during the call on June 16th. Molycorp has hired 5 (!) additional geotechnical consultants in the past 2 weeks to supplement the work being done by its original consultants, URS. URS is currently in some trouble because they failed to immediately notify the Board about the sheared inclinometer and included this information in a report submitted in February. It took the Board from February until June 4th to receive the report, read it, discuss the contents of the report, and decide upon a course of action. The Board functions only in a review capacity, not as advisors to Molycorp. Molycorp (and its consultants) are responsible for notifying the agencies and the Board in a timely manner about any changes noted in the dumps. At this time, Molycorp appears to be developing a corrective action plan while the state, county, and local government are working on an emergency response plan to alert citizens on the highway and in Questa in the event of a waste dump failure.

Molycorp and its consultants are currently examining the following options. First, additional instrumentation (e.g., piezometers; survey monuments; various types of geophysical techniques) and controls (a drain at the toe of the dump; stormwater controls at the head of the dumps; re-grading) to address the problem at Goat Hill North. Second, more routine monitoring and a closer look at possible geochemical instability (i.e., acid weathering and disintegration of rock within the dump, with a subsequent loss of strength). The company has been given until July 15th by Governor Richardson to develop a corrective action plan that will include both an emergency response plan and remedial actions to be taken to stabilize the dump.

This issue raises serious concerns about the competence and ethics of both Molycorp and its consultants. Molycorp packed the public meeting in Questa attended by Gov. Richardson with miners who were bussed from the mine to the village offices. By hiring 5 additional consultants Molycorp appears poised to argue with the Stability Board about its findings even as they develop a corrective action plan. Another call is scheduled for 10 AM on Monday, June 23rd to update the Board on the progress made this week by Molycorp. The RCRC should include this topic in the agenda for its next meeting.

**Subject: Stability update**
**Date:** Wednesday, August 6, 2003 4:33 PM
**From:** Steve Blodgett <fez@sdc.org>
**To:** Brooke Tatum <btatum@laplaza.org>, Rachel Conn <rconn@amigosbravos.org>, Karen Douglas <minniemoomoo@comcast.net>, Hope Buechler <hopesmail@zianet.com>, Marsha Reddell <redhow@taosnm.com>, Carlos Herrera <herrera02@kitcarson.net>, Patrick Nicholson <elgaucho@laplaza.org>, Ken Klco <azurite@amigo.net>, David Douglas <douglas@nm.net>

Greetings:
This is just a short update on the stability meeting held last night at the Village Council chambers in Questa. Carlos, Roberto, Francisco, and I attended. Molycorp and its consultant, Dr. Richard Dawson, gave an update on the work they have done to date. We will not know any specific details until the next Stability Review Board (SRB) meeting at the mine from August 27-29. Ken will be attending that meeting on behalf of RCRC. By mid-September Molycorp promised to have new monitoring data available as well as an Emergency Action Plan (EAP) in place with all governmental agencies (Village, Red River, Taos Co., NMED, MMD, NMDOT, NMDPS, Questa Fire Dept., Questa Police Dept., USFS). Roberto and Juan Montes both expressed serious doubts about the current effort and Juan quoted from the last letter sent out by the SRB (attached). When you read the attached letter you will note the very critical tone of the SRB. Thus far, Molycorp has not responded to this letter and the meeting on the 27th will be a showdown between Molycorp and its consultants and the SRB.

Adam Rankin wrote a story on the front page of the Journal North this morning and William Maxwell will have a story in the Taos News. We are not happy with the lame response thus far from MMD and Francisco and I will be drafting a letter from Amigos Bravos to the Governor noting the collusion between Molycorp and MMD to keep the lid on this issue without actually doing anything on the ground to mitigate the problem as requested by the SRB.

Steve

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July 21, 2003

Mr. Holland Shepherd
New Mexico Energy, Minerals, and Natural Resources Dept.
Mining and Minerals Div.
1220 S. St. Francis Dr.
Santa Fe, NM 87505

**Comments on Goathill North Mitigation Plan**
**Mine Rock Pile Stability Review Board**
**Questa Mine**

Dear Mr. Shepherd:

In our July 9 meeting with the Committee, the Board was asked to comment on the forthcoming mitigation plan for arresting slide movement in the Goathill North rock pile. This letter is to comply with that request. Accompanying Molycorp's transmittal letter of July 15, 2003, we received the mitigation plan document of the same date entitled "Goathill North Mine Rock Pile Evaluation and Conceptual Mitigation Plan" by Norwest Corporation, as well as Molycorp's Emergency Action Plan (EAP).

These documents have been submitted in response to the Board's letter of June 4, 2003, where we requested in the following order: (1) that Molycorp take action to arrest and stabilize slide movements, (2) that geotechnical efforts to this end be initiated immediately, and (3) that an automated early detection and warning system and EAP be established in the interim. The presentations and discussions on July 8 and 9 in Questa satisfied us that activities were proceeding for addressing each of these three items, and we summarized our impressions at that time in our Report No. 4 of July 9, 2003.

We infer from Molycorp's transmittal letter that it remains committed to undertaking slide stabilization, and that it unequivocally will carry out all measures necessary for doing so through to their completion. We are less sure that this is so judging from the Norwest report that Molycorp has put forward as its mitigation plan. In the Terms of Reference section of the report, there is no specific mention of slide stabilization, and none of the three bullet points includes it. Perhaps this is merely an oversight. But much of the document concerns itself with matters the Board considers peripheral to the current need for slide stabilization, and only 2 of its 12 pages are devoted to mitigation as such. We sense that much of the document appears oriented more toward de-emphasizing the likelihood of flowslide occurrence and potential effects than to slide mitigation. We trust that this program will quickly regain its focus on the immediate objective of arresting the Goathill movements.

At the moment, our understanding of the slide mitigation plan derives primarily from presentations in our July 8,9 meeting. We appreciate that this represents only an initial concept subject to change as more is learned from the investigations, and the Norwest report contains a comprehensive listing of various kinds of data to be obtained from them. But beyond this, there are few specifics about how these data are to be used or the nature of the anticipated analyses, leaving us somewhat unclear as to exactly what the program is intended to accomplish and how it will go about achieving its aim. While it may be worthwhile to collect data for purposes other than slide stabilization should the opportunity present itself, we would not wish this to in any way delay or interfere with design and construction of the stabilization measures.

The current stabilization concept involves regrading and underdrainage in the lower portion of the region of movement below SI-3. In principle, this will enhance stability by redistributing the mass and forces acting on the moving mass. But it differs from conventional "buttressing" in that regrading will take place on materials still underlain by the existing surface(s) of shearing, as opposed to stable ground. As a result, there may be only a modest improvement in stability at some locations. For example, at Section 2 provided to us on July 8, just a marginal increase in factor of safety from 1.14 to 1.18 is achieved for the principal downvalley cross-section through the unstable area. Moreover, regrading alone, without importing additional fill material, might entail some risk of destabilizing areas upslope. For these or other reasons, it may become necessary to consider substantially extending these measures farther down Goathill Gulch. Either way, new inclinometers seated in sound bedrock, perhaps including replacement of SI-3, will be necessary to verify the effectiveness of the features constructed. We look forward to seeing how these matters are addressed in stabilization design.

We also note that erosion of materials at the lower portion of the existing slide has been identified as a prime actor in producing the current conditions. In this respect, slide mitigation will need to incorporate measures to keep future erosion from re-establishing these conditions. We will also be interested in seeing more details of the proposed underdrain, including how its exit will be protected from blockage by eroded sediments.

With regard to the warning system, it is unclear to us whether or not the mitigation plan includes continuous displacement monitoring of current slide movements. To reiterate from our June 4 report, we believe an automated system is necessary from the outset to provide continuous, day/night warning capabilities. A further reason for not relying on visual, optical, or manual observations is that the inclement conditions likely to accompany adverse stability behavior will also make the rock pile inaccessible for surveillance or verification of instrumentation. In this and other respects, the warning system must be capable of functioning reliably on a stand-alone basis. Automated instrumentation must incorporate adequate redundancy both to reduce false-positives and to increase resistance to outages from lightning strikes, power failures, and other malfunctions.

As it stands, monitoring of four separate parameters is proposed (visual, climate, pore pressure, and displacement by weekly optical survey). The warning plan needs to: establish each of the corresponding threshold values that would trigger notification; provide guidance for how these thresholds are to be acted upon in the event of their occurrence either separately or in combination; and identify that person on-site who will be responsible for the making the

notification decision. We also suggest that these items be included in the EAP documentation. The Board believes it is important that details concerning warning thresholds and notification remain at the discretion of Molycorp and their on-site advisors best positioned to make these determinations. We would not anticipate further comment on these matters beyond that provided here.

Other topics in the Norwest report are discussed below.

- **Supervision.** The report notes that the investigation may be modified based on interim findings, and we endorse this flexibility. Close supervision and day-to-day coordination of field activities will be necessary for timely identification and implementation of any such modifications as the program proceeds. We would encourage Molycorp to clearly define supervisory authority among those involved in the field investigations. An organization chart identifying responsibilities for carrying out the investigations and other aspects of the mitigation program would be helpful.

- **Surface water management.** Improvement in surface water management has been incorporated as a central element of the mitigation strategy for Goathill North and for Capulin as well. As the Board has noted on several occasions, these improvements are long overdue here and elsewhere on the Questa site. Undertaking these improvements concurrently with other activities can provide some measure of movement control during the impending rainy season and next spring's snowmelt. We strongly discourage water impoundments of any kind on the pile surfaces, and would prefer flexible materials more resistant to movements for lining ditches.

- **Movement history.** Other reports provided to the Board indicate that sliding occurred initially during construction of the Goathill North rock pile between 1969 and 1972, and that this movement had essentially stopped by 1976. Movement was again measured in inclinometer SI-3 in 2002. Table 3 of the Norwest report, however, states that foundation sliding has been occurring continuously over the past 25 years (i.e., throughout the period since 1978). This is new information that has not previously been brought to the Board's attention, and we would like to know the basis for this statement.

  In connection with this history of movement, the Board has received from Vail Associates a precipitation summary for the town of Red River up to 1994. Annual precipitation has been steadily increasing since the rock piles were constructed. Compared to the preceding period of record, the data show that average annual precipitation increased by 22% subsequent to 1976 when the initial slide is said to have stopped.

- **Runout analyses.** We have had the opportunity to review the analytical methods used for flowslide runout prediction, which have been calibrated to actual flow failure cases involving coal waste in western Canada. As such, the methods generically adopt the properties and conditions associated with these flowslides, and adjust mainly for flowslide volume and topographic effects in particular settings. In simple terms, the analyses are applicable to other mine waste flowslides outside western Canada to the extent that they mimic those experienced there. Coal waste pile flowslides have been rare to non-existent in the United

States since the Federal Office of Surface Mining required all such materials to be compacted to engineered standards following the Buffalo Creek, West Virginia waste pile failure in 1972. Therefore, the Canadian incidents represent the best failure database available.

Three cases have been analyzed for Goathill North, all of which assume "sunny day" failures. Two adopt a "frictional" model of flowslide behavior. The third (designated "worst case") assumes frictional behavior for one part of the flowslide, and a rheological model for the remainder that reflects saturated organics or fine-grained soils within runout region. This third case is said to rely on the subsidence zone depression within Goathill Gulch for containing the flowslide and truncating its further advance. But velocity profiles have not been provided, so we are unable to determine whether inertial effects have been fully incorporated in establishing this terminus, particularly considering that flowslide velocities are predicted to reach as much as 100 mph. Neither can we determine the sensitivity of results to flowslide volume and width assumptions for any of the cases analyzed. These factors have an important effect on runout behavior of actual flowslides and debris flows, and we would expect them to similarly influence the calculated results. Along the same lines, we have estimated the available volume within the subsidence depression to be something on the order of 270,000 cubic yards. This represents just 15% of the assumed 1.7 million cubic yard flowslide volume, such that a comparatively modest increase in runout for the "worst case" flowslide would quickly remove any prospect that the subsidence zone could contain it.

The analytical formulation provides a rational approach to a very difficult problem, and we doubt that it could be substantially improved upon, given the present state of knowledge about these phenomena. That said, none of the cases analyzed fully or adequately represents the circumstances the Board has described. This involves a large antecedent or concurrent runoff event which would not only trigger the rock pile flowslide, but at the same time would produce confined floodwaters in Goathill Gulch as well as debris flows emanating from the widespread scars above.

The susceptibility of Goathill Gulch to debris flows from its hydrothermally-altered natural scars is well established by the large debris fan upon which Molycorp's administration building is situated. In general, conditions leading to debris flows are high antecedent rainfall causing ground saturation, followed by a high-intensity storm focused locally on a particular drainage such as Goathill Gulch. We would expect such conditions coinciding with a rock pile flowslide to produce large amounts of highly mobile, mud-like debris material in Goathill Gulch, although we cannot quantify this volume. Nevertheless, we would expect it to influence the calculated runout results in one or more of the following ways:

1. The rock pile flowslide would entrain and/or move upon large amounts of basal free water together with debris material of extremely soft to slurry-like consistency having minimal undrained shear strengths. To our knowledge, none of the British Columbia flowslide cases used to calibrate the runout model have occurred under these conditions, and the model does not replicate them. This alone, we feel, invalidates the calculated runout distances, or at least makes them highly suspect. We would add that the 8 degree angle of the debris deposits at the mouth of Goathill Gulch suggests that these debris flow materials had an undrained shear strength below 100 psf at the moment they came to rest.

This would be far lower than for any saturated organic or fine-grained soils simulated in the "worst-case" analysis, not to mention the others. It would also be lower than that for the rock pile materials. For comparison, undrained shear strengths ranging from 330 to 450 psf are attributed to materials involved in the Aberfan and Abercynon mine waste flowslides in Wales.

2. The rock pile flowslide would grow in volume from debris contributions, thereby increasing runout distances from those calculated. In addition to debris influencing the flowslide, the erosive power of a flowslide can itself can trigger debris flows or slides in canyon walls by undercutting marginally stable areas. As examples, we point to the actively crumbling cliff that sits directly above the Goathill North rock pile, and farther down Goathill Gulch to the large mass of unstable material resting upon the prominent shear plane readily visible above the west side of the subsidence zone.

3. Debris material can be expected to be captured by the subsidence zone depression, thus reducing or eliminating the volume assumed to be available in the runout analysis for impounding the "worst case" rock pile flowslide and terminating its progression. Further to debris material are runoff inflows from the entire Goathill Gulch drainage that would collect in this depression. A rock pile flowslide would displace this water to produce a secondary floodwave of unknown dimension that would continue downstream. Indeed, the Board was informed by Molycorp's consultants on July 8 of a such a floodwave produced by failure of a mine waste pile elsewhere, and several other such events of a similar nature can also be cited.

Separately, we remain concerned for the safety of miners underground, since the structural integrity of the subsided materials for containing as much as 100-ft. depths of water and mud would seem dubious. When released underground, these materials can flood mine workings, as demonstrated by a number of such incidents involving overlying tailings deposits. Such effects are possible whether a rock pile flowslide occurs or not.

These and other factors affecting the current runout analyses are among the many uncertainties that the Board referred to in our report of July 9. The Norwest report observes that its analytical predictions are "less alarming" than the scenario described by the Board. Be this as it may, these analyses provide scarce reason for complacency, and we find them less than reassuring. The warning approach suggested by the Board in its July 9 report seeks to strike a prudent balance in the face of the manifold assumptions, limitations, and large resulting uncertainties inherent in any prediction of flowslide effects, analytical or otherwise. We were assured by Molycorp on July 8 that they are pursuing just such an approach irrespective of the runout analyses produced by their consultants, and we presume that this will continue to be the case.

More broadly, we have some concern that matters involving runout analysis, which the Board has not advocated, seem to be diverting attention from slide remediation, which it has. The Norwest report, for instance, (p.4) states that its runout analyses address public safety. We would like to restate that the overriding public safety consideration should not be the flowslide's runout, but to keep it from happening in the first place.

- **Capulin investigations.** The report makes no mention of any planned activities for the Capulin rock pile. We feel that an additional component of the investigation is needed for Capulin, further to that for Goathill North. Pre-mining airphotos establish that the Capulin rock pile is not situated over a scar area, but there is otherwise no information by which to determine what foundation or groundwater conditions actually exist. Airphoto interpretation described in other reports leaves some ambiguity regarding the possible occurrence of past movements and the presence of seeps or springs at the pile toe. The subsurface investigations at Capulin should be sufficient to establish that there has been no previous or ongoing movement, and that the foundation and groundwater conditions present are not conducive to basal sliding. Piezometric monitoring can further serve as baseline information for evaluating the effectiveness of surface water management measures adopted. Capulin investigations, however, should not take precedence over or otherwise delay the Goathill North activities.

The Board's overall impression at this time is that efforts related to the Goathill/Capulin situation have become scattered among too many different areas and directed toward too many purposes. We believe that the success of these efforts requires that they be reoriented and refocused on the primary objective at this time of stopping the Goathill slide movements. We hope that this can come about quickly and expeditiously on the part of all of those involved.

Respectfully submitted,

James K. Mitchell

Nigel Skermer

Steven G. Vick, chairman

Submitted 16 Nov. 2002

**Minutes: EPA Community Meeting on Molycorp Inc.**
12 November 2002
St. Anthony's Church, Parish Center, Questa, NM
Compiled by Leigh Saunders

The meeting was opened with a welcome and introduction by Brooke Ivener, the EPA (Environmental Protection Agency) Community Involvement Coordinator. She explained the EPA Community Involvement Program, and how interviews with community members would take place. {No details available, as I arrived late.}

Roberto Vigil, Brooke Tatum, and David Douglas, representatives from the Rio Colorado Reclamation Committee, discussed the mission and current goals of the RCRC. {Sorry, missed this part too.}

A slide show overview of the Superfund process and the timeframe involved was presented by EPA Technical Support Team Leader, Don Williams. The process began with Molycorp site assessment and the Hazard Ranking System (HRS) score. Williams explained how, once identified, Superfund sites are assessed (see RI below), and the optimal clean-up options determined (see FS below). Public comments are invited throughout the process, according to Williams, and are particularly important when the EPA has assessed the feasibility of the various clean-up options and is preparing a proposal to remedy the situation.

Mark Purcell, the EPA Remedial Project Manager, explained the various tests being performed during the investigation. According to Purcell, the largest sources of contaminants are the piles of tailings, which can leach metals and acid into water sources such as runoff, seeps, springs, and underground aquifers, which may then enter the river. By testing wells and surface water, data will be collected both upstream and downstream of the mine and tailings facility. Differences between upstream and downstream waters will show whether the mining operation affects the water quality, and in what way(s).

More than just water is being tested—sediment, fish and plant samples are also being collected for analysis, according to Purcell. Currently, more sample wells are being drilled, and the investigation of spills from the tailings pipeline continues. Sampling will continue throughout 2003, and may be expanded if data from current investigations or community queries warrant further study.

Questa's Mayor Lujan spoke briefly, thanking the agency officials for their support and emphasizing the importance of community involvement in the solution. He stated that Questa is on the right track, and must continue as a community to participate in the clean-up process.

Questions from community members were addressed by the EPA officers (Individuals who raised questions will not be named here, out of respect for privacy). A brief sampling of questions and the answers offered by the EPA follows.

Q. Are there any wells to be sampled in Capillan Canyon?

A. No, but some may be bored.

Q. What about the barrels of oil, antifreeze, etc. buried in Blind Gulch and around the old Pit Lube shop?

A. If you can show us those locations, we will ensure they are investigated.

Q. When will the data be ready? (A number of community queries involved the urgency of the situation and the apparent drawing-out of the remedial process.)

A. Remedial alternatives should be examined throughout 2004, and a proposal put to the community for response in 2005. The selection of a remedy should occur in late 2005-2006. However, if at any time the EPA determines an urgent or immediate threat to human or environmental health, emergency action will be taken. The community was additionally advised to contact the ATSDR (see below) with human health concerns.

In closing, the EPA personnel responded to the community's desire for more information on a regular basis. It was suggested that another community meeting be held in early 2003, when the first of the data have been analyzed. Additional meetings may be held quarterly, to continue addressing the community concerns and to present further information as the data are compiled.

## Acronyms

ATSDR: Agency for Toxic Substances and Disease Registry, a federal public health agency which addresses health issues regarding hazardous wastes.

EPA: Environmental Protection Agency, the federal agency which administers the Superfund Program to clean up hazardous waste.

FS: Feasibility Study, the section of the Superfund process which determines which possible remedy is the most appropriate (Follows the RI).

RI: Remedial Investigation, the section of the Superfund process which determines the best remedies for the site.

# The Agency for Toxic Substances and Disease Registry (ATSDR)

**invites you to attend a community meeting, followed by a public availability session, to talk about your health concerns regarding possible exposures to contaminants from the Molycorp, Inc., mining site:**

The community meeting will be held on:

**Wednesday, June 25, 2003 from 6:00 – 7:00 p.m.**

followed by a Public Availability Session

where you may speak one-on-one with an ATSDR representative

**From 7:00 – 9:00 p.m.**

The meetings will take place at:

**St. Anthony's Parish Center**
**10 Church Plaza**
**Questa, NM**

**Representatives from ATSDR also will be available on June 26, 2003, between 9:00 a.m. and 2:00 p.m. to meet one-on-one with community members. Appointments can be made after the community meeting on June 25th or by calling Debra Joseph (toll-free) at 1-888-422-8737, ext. 1758 prior to June 19, 2003.**

**For more information please contact Lovyst Luker, environmental health scientist, or Debra Joseph, health communications specialist, in Atlanta, Georgia (toll free) at 1-888-422-8737 weekdays between 8:00 a.m. and 3:30 p.m. Eastern time. Or visit our Web site at: www.atsdr.cdc.gov**

**La Agencia para Sustancias Tóxicas y Registro de Enfermedades (ATSDR, por sus siglas en inglés) lo invita a participar en una reunión comunitaria donde se tratará del sitio minero Molycorp, Inc. Después de la reunión habrá una sesión pública. Conversaremos sobre sus preocupaciones sobre salud en relación a la posible exposición a contaminantes provenientes de Molycorp, Inc.**

**La reunión comunitaria se llevará a cabo:**
**el miércoles 25 de junio del 2003, de 6:00 pm a 7:00 pm, seguida de una sesión pública de 7:00 pm a 9:00 pm.**

**La reunión comunitaria y la sesión se realizarán en:**
**St. Anthony's Parish Center**
**10 Church Plaza**
**Questa, NM**

Representantes de la ATSDR también estarán disponibles para reunirse informalmente con los miembros de la comunidad el 26 de junio del 2003, de 9:00 am a 2:00 pm, según se solicite. La cita puede solicitarla después de la reunión comunitaria del 25 de junio o llamando a la Sra. Debra Joseph (al número gratuito) 1-888-422-8737, interno 1758 antes del 19 de junio del 2003.

Si necesita información adicional, llame a la Sra. Lovyst Luker, Cientifica de Salud Ambiental, o a la Sra. Debra Joseph, Especialista de Comunicación de Salud, en Atlanta, GA (llamada libre de costo) al 1-888-422-8737 durante la semana entre las horas de 8:00 a.m. y 3:30 p.m .EDT. O visite nuestro sitio de WEB a: www.atsdr.cdc.gov

TAG deliverable

Mark Purcell
US EPA, Region 6
1445 Ross Ave., Suite 1200, 6SF-LP
Dallas, TX 75202-2733

July 22, 2003

Dear Mr.Purcell:

I am submitting the following comments on the "Proposed South of Tailings Facility Additional Sampling Program, Molycorp Site, Questa, New Mexico" prepared by CDM on behalf of the Rio Colorado Reclamation Committee (RCRC).

Wind-Blown Transects

The Objective section of the sampling plan states, "The objective of the proposed program is to define the nature and extent of documented and undocumented releases to air, groundwater, surface water, sediment, and surface soil from the tailings facility." Because the prevailing wind azimuth ranges from southwest to northwest in the Questa area, it is critical to include an east-west transect. The two transects shown on Figure 1 have a general northwest-southeast orientation. One additional transect should be sampled in an east-west direction that would start on the east edge of the tailings and run directly into the Alta Vista Elementary School, located east of the tailings pond. This transect is needed to confirm surficial deposits of wind-blown tailings in the area of the school (formerly the high school) where numerous incidents of blowing tailings were recorded during the past 25 years (e.g., see articles in the Taos *News* on May 29, 1980; Santa Fe *New Mexican* on April 10, 1981; and Taos *News* on April 18, 1991). Because children have been exposed to blowing tailings for years in the area of the school, it is essential to confirm the nature and extent of wind-blown tailings near the school. Although the proposed sampling plan concentrates on the area south of the tailings pond, it is important to include a transect in an easterly direction to identify possible contamination east of the pond where the normal prevailing winds from the west would have deposited tailings.

Please call me at 505-838-3899 if you have any questions about these comments. Thank you.

Sincerely,
/s/ Steve Blodgett

Steve Blodgett
Technical Advisor
Rio Colorado Reclamation Committee

Cc: RCRC Board

**Comments on Public Health Assessment for**
**Molycorp, Incorporated**
**Questa, Taos County, New Mexico**
**EPA Facility ID: NMD002899094**
**Prepared by**
**Agency for Toxic Substances and Disease Registry**
**September 24, 2002**

**By**
**Steve Blodgett**
**Technical Advisor to Rio Colorado Reclamation Committee**

**June 2003**

**Rio Colorado Reclamation Committee Comments on ATSDR Report**
**Executive Summary**

The Agency for Toxic Substances and Disease Registry (ATSDR) has released a Public Health Assessment for the Molycorp mine and Questa community which states that, "Assuming exposure conditions do not change, ATSDR concludes that contamination associated with the site does not pose a present or future public health hazard." The study further classifies the Molycorp mine site as posing *no apparent public health hazard for current and potential future exposures* and classifies past exposures as an *indeterminate public health hazard* because the extent of exposures associated with drinking water at the mine site and private drinking water wells in the vicinity of both the mine site and the tailings impoundments could not be fully determined.

The Rio Colorado Reclamation Committee (RCRC) has reviewed the ATSDR report and identified the following deficiencies and concerns with the public health assessment.

1. The ATSDR spent one day in Questa in 2000 and did not interview any members of public; local health care providers; or local government officials in preparing the report.
2. The ATSDR did not review the administrative record for the mine that shows more than 230 tailings spills since 1965; numerous air quality violations associated with blowing dust from the tailings ponds; records from contaminated domestic wells that show exceedances of state and federal water quality standards for numerous metals; and a history of complaints from local citizens about the impacts of the mine on human health and the environment.
3. The ATSDR did not make any effort to interview local residents and examine health care records to identify health problems that could be associated with exposures to public and private drinking water sources or blowing tailings dust.
4. The ATSDR did not produce copies of the report in Spanish for local residents whose primary language is Spanish.
5. The ATSDR did not notify local residents or government officials about the release of the report until almost 5 months after the report was issued on September 24, 2002, nor did the EPA mention the release of the report at a public meeting held in Questa on November 12, 2002.
6. The ATSDR made no effort to review the extensive newspaper accounts of public concerns about blowing tailings, fish kills, tailings spills, and other hazards created by the mine.

**The current public health assessment for Questa and the Molycorp mine is defective and incomplete and must not become part of the administrative record or be used in the EPA decision-making process. As a consequence of the deficiencies and concerns listed above, the RCRC recommends that the ATSDR retract the current public health assessment for Questa and re-write the report with input from local citizens, health care providers, and government officials.**

## Introduction

The following comments have been prepared on behalf of the Rio Colorado Reclamation Committee (RCRC) on the Public Health Assessment written by the Superfund Site Assessment Branch, Division of Health Assessment and Consultation of the Agency for Toxic Substances and Disease Registry (ATSDR) for the Molycorp molybdenum mine east of Questa, New Mexico. These comments address both procedural flaws in the preparation and release of the report and technical oversights noted throughout the report. Following an analysis of the report, conclusions and recommendations are provided to ATSDR. These comments are organized to follow the format of the ATSDR report.

Procedural Errors

First, this report was not released to either the RCRC or people of Questa with any public notice, *even though the formal release appears to have occurred the day after a public meeting held by EPA on the RI/FS process on November 12, 2002 and the date on the cover of the report is September 24, 2002.* The EPA did not mention the ATSDR report in the November 12th meeting and the RCRC only learned of the existence and release of the report in late February 2003. After several e-mail and phone communications between the RCRC and ATSDR, the ATSDR agreed to extend the comment period on the report until May 16, 2003 and then again until June 19, 2003. **Given the numerous errors and oversights noted in the report, the RCRC recommends that the report be withdrawn; local citizens, health care providers, and government officials be interviewed; and the report be re-written, and released again for comments from the public.**

**Second, the report should be written in both English and Spanish, which is the first language of many of the residents of Questa.**

**Third, ATSDR should hold an independent public meeting in Questa when the report is issued again to explain the methodologies, assumptions, and conclusions to the public *in person*.**

Summary

The last sentence of the first paragraph is inaccurate and should either be deleted or re-written. Substantial data exists from the period before 1994 and the conclusion that "...the potential for past exposures cannot be evaluated" is flawed. Files of the New Mexico Environment Department (NMED) contain documentation of at least 225 releases of tailings into the Red River, and numerous news articles in the *Taos News* and *Albuquerque Journal* document the fish kills, tailings dust storms, and complaints of local residents since 1965.

Most importantly, since about 1970 many health care providers in Taos County have treated Questa residents for health problems that the residents have attributed to the mine. This report contains no evidence that any health care providers were contacted in compiling the report.

**When this report is re-done, Taos County health care providers should be contacted to compile medical evidence of the health problems that Questa residents which the residents ascribed to impacts from the mine when they gave their medical histories.**

On page 2, second bullet, there is no mention that the EPA has required Molycorp to post written notices in every rest room on the mine that tap water contains levels of beryllium and nickel that are two orders of magnitude above the MCLs (Maximum Contaminant Levels) and is considered unsafe for human consumption. This posting is a legal requirement under the Safe Drinking Water Act and should be duly noted in this report.

On page 2, third bullet, there is no mention that the residents who used the well with elevated values of sulfate, nickel, cadmium, and manganese have both reported health problems that are indicative of heavy metal poisoning. These residents have filed a lawsuit against Molycorp for polluting their well and causing their health problems. Although this case is still under litigation, the circumstances should be described in this report. These residents are willing to talk to ATSDR to explain the history of their well and their health problems.

On page 2, fifth bullet, it should be noted that water from private wells in the vicinity of the tailings impoundments caused health problems for the users and that Molycorp installed new wells for the owners and reached settlements which do not allow the owners to discuss their past health problems or effects from the contaminated water on their livestock.

On page 3, under *Air*, statements made about blowing dust from the tailings impoundments grossly simplify the chronic problems of blowing tailings in Questa and their impacts on public health. In fact, the air quality monitoring of blowing tailings has been and continues to be inadequate and interviews with local residents and a review of newspaper articles would have revealed the numerous problems at the High School and in town as a result of blowing tailings. As recently as January 2003 blowing tailings dust in Questa resulted in complaints to state agencies about the problem. This section in the Summary and subsequent discussions of blowing tailings dust and their impact on public health should be re-written to include more accurate information.

The ATSDR conclusion category chosen in the paragraph below *Air* on page 3 ("no apparent public health hazard") is incorrect. Using the ATSDR's own standards, it is clear that the only appropriate conclusion category at this time is "potential/indeterminate public health hazard." The ATSDR acknowledges throughout this report that insufficient data are available to categorize past health exposures and so has ranked past exposures as an "indeterminate public health hazard." It is also important to note that the EPA has not yet conducted the Human Health Risk Assessment under the Remedial Investigation. **Because no comprehensive data collection has been done in the town of Questa and because local residents continue to report chronic health problems of unknown provenance, it is also appropriate to classify current exposures as an "indeterminate public health hazard."**

Purpose and Health Issues

C. Site Visit (p. 9)

According to this section, the ATSDR conducted one site visit in December 2000 in which staff met with personnel from state agencies, EPA, and Molycorp to discuss ATSDR's mission and describe the public health assessment process. From this sentence it would appear that ATSDR spent one day in Questa more than two years ago and managed to not speak with any actual residents of Questa or with any elected officials from the village government.

A few interviews with local residents would have revealed that the health problems in Questa are real and have been ongoing over the past 35 years and that facile conclusions about the source of these health problems is unwise. One wonders how the ATSDR can issue a "public health assessment" without actually speaking to the public whose health is being assessed, but apparently that is the case here. **When this report is re-done, staff from ATSDR should meet with local residents and local government officials to acquire more accurate and detailed information about current and past health impacts.**

Discussion

B. Extent of Contamination and Public Health Implications

Groundwater (p. 11)

The first sentence in this section states:

> *"No health hazards are associated with current or potential future use of groundwater at or in the vicinity of the Molycorp site, based on current groundwater use patterns."*

This statement is inaccurate. It does not say, "It is unlikely that" or "Given the following circumstances, no health hazards..." but makes a definitive claim that is contradicted by existing data. First, Molycorp has been required to post warning notices at all water taps on the mine that it is unsafe to drink water from the tap because of elevated levels of beryllium and nickel. Second, the EPA has not yet conducted the Human Health Risk Assessment required under the Remedial Investigation, so such a claim is at least premature. And third, how can the ATSDR speculate about "potential future use of groundwater at or in the vicinity of the Molycorp site?" It is highly likely that when the RI/FS is completed, it will be necessary to impose Institutional Controls (e.g., deed restrictions) to prevent future owners of the Molycorp property and adjacent properties from drilling wells, using water from existing wells, and using contaminated water, given the elevated levels of toxic metals found in existing wells. **This statement should be qualified to define the conditions under which "no" health hazards would be associated with future use of groundwater.**

The last sentence on page 11 states:

> "ATSDR is unable to determine the full extent of any past exposures because there are no further historical data."

Given that mine employees were drinking water from 5 on-site wells from the late1960s until 1997 and that sampling of 3 of those wells between 1991 and 1997 revealed elevated levels of

cadmium, lead, TDS, and/or sulfate, it would appear that mine employees had significant exposures to contaminated groundwater on the mine. Variants of this statement occur throughout the report: that ATSDR is unable to determine the extent of past exposures. On page 13, the report states that, "Drinking water quality and contamination levels in the past remain undetermined." This statement points up one of the most difficult tasks for the RI Risk Assessment: how to measure the risks and impacts from past exposures given limited data.

Other statements like, "However, there is no reason to believe that people are currently drinking contaminated water or will do so in the future" (p. 12, third bullet) are careless. The full extent of groundwater contamination on and adjacent to the mine has not yet even been defined, nor is full extent of tailings deposition from past spills into the river and in town fully understood. **The statement on page 12 quoted above should be deleted from the report.**

Public Water Supply (The Village of Questa)

ATSDR should be aware that several residents of Questa have reported that tailings were used to backfill trenches containing water lines (e.g., along Embargo Road) when they were replaced or repaired in the last three decades. Because the water lines consist of several different types of pipes (e.g., cast iron, clay, PVC, concrete) and the tailings contain pyrite which oxidizes to produce acid and lower the pH of water, it is possible that metals have leached from the tailings and into cracked or corroded water lines in individual houses or neighborhoods in Questa. Samples of water from the village wells are taken at the wellhead, not at the tap in houses. **This pathway should be investigated further in the Risk Assessment phase of the RI and should be acknowledged in this report.**

Air (Particulates), p. 24

Dust generated in the past from tailings impoundments did not "reportedly" produce conditions that disturbed downwind populations, it actually *did* produce conditions that disturbed downwind populations. Blowing tailings caused several delays at a state championship baseball game in Questa on May 24, 1980 (Taos *News,* May 29, 1980). Because of blowing tailings, students at Questa High School walked out of class on April 8, 1981; 65 students and their parents marched to Molycorp's offices on April 9, 1981 to complain about chronic blowing tailings; and students collected more than 200 names on a petition protesting the blowing tailings dust (Santa Fe *New Mexican,* April 10, 1981). In addition, students and teachers at Questa High School conducted a survey on health and medical problems as part of the petition presented in April 1981. On April 10, 1991, the Middle School was closed early due to blowing tailings (Taos *News*, April 18, 1991). ATSDR also should be aware that the Air Quality Bureau of NMED received complaints from Questa residents on January 14, 2003 about blowing tailings in town that caused eye irritation, reduced visibility, and respiratory problems for some people.

The claim that total suspended particulate (TSP) standards have been exceeded only 4 times since 1979 (p. 3) is a clear indication of the inadequacy of the air quality monitoring at the tailings ponds. The air quality permit issued by NMED for the tailings facility is required to operate for 24 hours every sixth day, which means that sampling is done only 60 days each year (17% of the time) and any "excursion" events that occur on days without sampling would not be

recorded. Such events occur each spring or during high winds, and the mine inevitably claims that there were unusual circumstances not likely to happen again. And then it happens again. The long-term viability of re-vegetation of the tailings ponds has yet to be demonstrated and blowing tailings are a potential long-term problem in Questa.

C. Community Health Concerns

On page 27, the report states that, "It is unlikely that these minor respiratory effects would be associated with any chronic health problems." **The RCRC would like to know what basis ATSDR has for making this statement given the lack of consistent air quality and health data for Questa.**

Conclusions

Comments on Conclusions listed on pages 30 and 31 of the ATSDR report have been made where these conclusions appear elsewhere in the report. **As stated in the Procedural Errors section of these comments, this report should be withdrawn and re-written after ATSDR actually interviews Questa residents and Taos County health care providers who have treated Questa residents with health problems which could be caused by the impacts of the Molycorp mine and tailings facility. The RCRC can provide copies of news articles documenting both tailings spills and blowing tailings in Questa. ATSDR should issue a written retraction which acknowledges that this report was issued prematurely and will be re-done with input and cooperation from the citizens of Questa and the local government.**

**If ATSDR does not re-write this report and re-issue the existing report with an appendix of public comments and no changes to the content of the report, the RCRC will work with Senators Domenici and Bingaman and Representative Udall (who are being copied on these comments) to see that the report is retracted and re-done properly.**

Rec'd 5/19/03
3dh

cc: Parrell
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# TAG Quarterly Progress Report

**Date:** 5/10/03
**Report Number:** 2
**Report Period:** 11/16/02 - 3/31/03

**Site:** MolyCorp
**Grant Recipient:** Rio Colorado Reclamation Committee
**Recipient Group Representative:** Rachel Conn
**Technical Advisors:** Steve Blodgett & Ken Klco
**Grant Administrator:** Patrick Nicholson

**Progress Achieved:**

- Rio Colorado Reclamation Committee (RCRC) opened a bank account to facilitate paying for administrative expenses and the Technical Advisors (TA) and Grant Administrator (GA).

- Through the generous in-kind donation of numerous hours by a RCRC board member, a RCRC website was established. The web site address is: www.rcrc.nm.org

- Three RCRC board meetings took place this reporting period: one on December 11th, another on December 30th, and lastly on February 26, 2003.

- RCRC interviewed potential TAs, drafted contracts, and hired the two selected.

- The GA contact was drafted and executed.

- The GA received training and a program overview from the Program Director.

- There was a board field trip to view and investigate a tailing pile near the Town of Questa's water pipes and intake system.

- In January, Ken Klco, the new TA, attended a Technical Review Committee meeting. This was an in-kind donation to the TAG.

- The 1st Community Meeting for the Technical Advisory Group (TAG) took place on February 26, 2003 at La Cienega Elementary School in Questa, NM. Dozens of flyers were posted across town (pls. see attached flyer). Approximately twenty people attended this introductory meeting, where RCRC board members and contractors were introduced, the new RCRC web site was unveiled, and various issues of importance to the community and the MolyCorp site were discussed.

- TAG National Workshop in ABQ February 28 - March 1, 2003. Four board members attended this workshop and were able to network with other TAG recipients, receive an intense educational experience about the TAG process, and submit questions to be asked at the TAG National Conference.

- During March, numerous e-mails were exchanged between board members and agency personnel regarding: the right of TAs to participate in EPA and MolyCorp meetings; reviewing TAG regulations; corresponding with National TAG representatives regarding their experience with TAs participating in meetings; and drafting letters to elected officials and representatives regarding TA participation.

- The group dealt with an effluent leak at a board member's property and handled the reporting to the appropriate NM State and EPA officials.

**Difficulties Encountered:**

- It has been difficult for the group to select the most qualified TAs due to a perceived conflict of interest of one of the candidates by the USEPA.

- It has been difficult getting the duly selected TAs access to relevant and essential scientific data disclosure meetings between the USEPA, MolyCorp, and associated state and federal regulatory agencies.

- The TAG has had difficulty dealing with the Agency for Toxic Substances and Disease Registry (ATSDR). Their Public Health Assessment for Questa, dated September 24, 2002 has been documented as an incomplete and inadequate report. RCRC has been urging ATSDR to substantially revise or pull the report and complete a thorough review of the health risks associated the MolyCorp site.

**Percent of Project Completed to Date:**

N/A

**Deliverables Produced This Quarter:**

- Completed web site: www.rcrc.nm.org

- Flyers from the 1st Community Meeting.

**Activity Anticipated in the Next Quarter:**

- Sending the TAs to Technical Working Group and Technical Review Committee meetings.

- RCRC hopes to resolve some of the difficulties encountered this past reporting period.

- There is the possibility of hiring a toxicologist, to review and coordinate some of the findings and issues pertaining to the ATSDR Sept 24, 2002 report and anticipated new report for Questa.

- A second Community Meeting will be scheduled for next quarter.

- There will certainly be additional board meetings and perhaps a newsletter released.

- RCRC expects our TAs to comment on any draft documents released by the USEPA or other relevant parties.

# Technical Advisory Group (TAG) For the Superfund Process at Molycorp 1st Meeting

## February 26, 7:00pm

La Cienega Elementary School in Questa
Hwy. 38, across from the Post Office

## All are welcome!

The Rio Colorado Reclamation Committee, a local community group was recently awarded a grant from the EPA to hire experts to help the whole community understand and comment on what is going on during the EPA's investigation at Molycorp.

This is the community's chance to participate in the Superfund process. Come meet the newly hired Technical Advisors.

If you are interested in what is going on with Molycorp and the EPA please come !

TAG QUATERLY PROGRESS REPORT

Date: **11/15/02**
Report Number: **1**
Report Period: **10/1/02 – 11/15/02**

Site: **Moycorp**
Grant Recipient: **Rio Colorado Reclamation Committee**
Recipient Group Representative: **Rachel Conn**
Technical Advisor: **N/A**

PROGRESS ACHIEVED:

- **We have had three board meetings**
- **We set up an email address for the group: rcrctag@yahoo.com**
- **We attended an EPA community meeting where 3 board members talked about the TAG group to the community.**
- **The majority of the board attended an EPA hosted training session on grant administration and reporting.**
- **A board member contacted a private business and got them to donate 3 computers to the TAG board. These computers have been delivered to the board members who previously didn't have access to a computer.**
- **A board member has started to develop a webpage.**
- **We put two ads in 3 newspapers advertising for the grant administrator position and the technical advisor position. We also placed the ad on one webpage and a listserve.**
- **A board member is in the process of drafting a mission statement.**
- **We have put together a folder to store all letters, emails, board minutes, bylaws, and articles of incorporation.**
- **Three board members have been meeting with the 3 banks in town and investigating how to open a bank account. Inquiries into obtaining a business license have been made.**
- **We interviewed 2 candidates for the grant administrator position and obtained an oral bid from each of them.**
- **At our last board meeting, after reviewing resumes, writing samples, interview write ups and oral bids we hired a grant administrator.**

DIFFICULTIES ENCOUNTERED:

- **We are having a very hard time opening a bank account. For us to open a non-profit bank account the banks require a 501 c 3 status among other things. To open a regular business account the banks require a business license and the county, who gives out business licenses doesn't think we should have to get a business license since we are not doing business. The one bank where we might be able to open account without either of these two things does not provide double signature checks and that is what, we as a board, had wanted to do.**

- **We have also had some trouble with getting things started without funds.**
- **We have had some trouble finding a good place to meet in Taos. In Questa we have been able to meet at a board members cabin or at the community center. In Taos it is more difficult to find open meeting space.**

PERCENT OF PROJECT COMPLETED TO DATE:

DELIVERABLES PRODUCED THIS QUARTER:

- **Announcement placed by the EPA that we received the grant.**
- **Ads for the Grant Administrator and Technical Advisor.**
- **Copy of the Grant Administrator's resume and interview sheet.**

ACTIVITY ANTICIPATED IN NEXT QUARTER:

- **We hope to choose a Technical Advisor.**
- **We hope to write and finalize a contract with the Technical Advisor and the Grant Administrator.**
- **We hope to train the Grant Administrator**
- **We hope to have a public meeting announcing we have hired a Technical Advisor.**
- **We hope the Technical Advisor will begin to review some documents including the Field Sampling Plan.**

# CLASSIFIED/REAL ESTATE SHOWCASE

**Solicitation for Grant Administrator.** The Rio Colorado Reclamation Committee (RCRC) a non-profit citizens group, is seeking a part-time grant administrator. To receive an application contact RCRC at P.O. Box 637, Questa, NM 87556 or email: rcrctag@yahoo.com

**Solicitation for Technical Advisor** The Rio Colorado Reclamation Committee (RCRC), a non-profit citizens group, is seeking a technical advisor to review and interpret documents related to mine reclamation at the Molycorp mine site in Questa, NM. The technical advisor will present resulting interpretations in clear and concise reports and through public presentation. Small business owners, women and minorities are encouraged to apply. To receive an application packet send written request to RCRC, P.O. Box 637, Questa, NM 87556 or email: rcrctag@yahoo.com

High Country October 14, 2002

# UNCLASSIFIEDS

NOTICE TO OUR ADVERTISERS: Ad submissions must be received no later than 5 p.m. 14 days prior to issue date. The deadline for the Nov. 11 issue is Monday, Oct. 28. In addition to appearing in our newspaper, all classified and display ads may be posted to our Web site (www.hcn.org) for an additional 15 percent of the cost of the newspaper ad. For information, call Rita, 800/905-1155 or e-mail circulation@hcn.org. No faxes, please.

BOOKS ABOUT LIVING IN THE MOUNTAINS of Colorado and Oregon, www.remmerde.com.

SCENIC ORGANIC 35-ACRE FARM — 26 acres in pasture, certified one-acre garden and 110 fruit trees, engineered irrigation system, energy-efficient 5-year-old, 2,550 square-foot home. Filed spring-fed pond and deer fenced. Altitude at 5,600 feet. Paonia, CO, 970/527-3694, $450,000.

NATIVE PLANT SEED — We offer a great selection of species native to the Rocky Mountains, Western Great Plains and adjacent areas. Wildflowers, forbs, grasses, sedges, rushes, trees, shrubs, vines and regional seed mixes for landscaping and restoration. Free catalog. Contact: Western Native Seed, P.O. Box 188, Coaldale, CO 81222; 719/942-3935; westseed@chaffee.net.

AMERICAN WILDLANDS presents the 5th Annual Natural Resources Law Conference on Nov. 14-15, at beautiful Chico Hot Springs Lodge, Mont. Join us for two days of stimulating and inspiring information, education and action planning with the region's best environmental lawyers, advocates and activists. The emphasis will be on deepening understanding and developing creative responses to the threats to our public lands, clean water, and fish and wildlife populations. Please go to American Wildlands website at www.wildlands.org for registration information, or contact us at 406/586-8175.

ALASKA GRASSROOTS ORGANIZER — The Southeast Alaska Conservation Council (SEACC), one of America's premiere grassroots organizat[illegible]s, seeks a full-time organizer to join [illegible] ledicated team of forest activists. The organizer is primarily respon-

LUXURY HOME FOR SALE — near Moab, Utah. Your perfect high-desert hideway. An architect-designed home in the heart of Canyon Country, featured in the Winter 2000/01 issue of *Utah Homes and Garden.* Enjoy panoramic views of LaSal Mountains and redrock mesas from every room. Located in a small community of environmentally conscious neighbors with open spaces held in common. Quality fixtures and finishes throughout. Patios and an observation deck provide a stargazer's or birdwatcher's paradise. Available furnished or unfunished. Base price $895,000. Visit our Web site for floor plan, photos and specifications at www.southwest-dreamhouse.com, or call owner at 435/259-6442.

SOLICITATION FOR GRANT ADMINISTRATOR — The Rio Colorado Reclamation Committee (RCRC), a nonprofit citizens' group, is seeking a part-time grant administrator. To receive an application, contact RCRC at P.O. Box 637, Questa, NM 87556, or e-mail rcrctag@yahoo.com.

THE IDAHO OUTFITTERS AND GUIDES ASSOCIATION seeks a fund-raising/membership staff person to coordinate IOGA's fund-raising programs and new member recruitment and retention efforts. Implementation of annual January Thaw adventure trip auction along with new member recruitment primary aspects of this new staff position. IOGA is a nonprofit business trade organization committed to the conservation and enhancement of quality outdoor experiences on Idaho's lands and waters. For complete job description, see www.ioga.org and click on membership. Send cover letter, résumé, writing sample and three references by Oct. 31 to gsimonds@aol.com or Grant Simonds, Executive Director, IOGA, P.O. Box 95, Boise, ID 83701.


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SOUTHWEST RIVERS, a Flagstaff, Ariz.-based Colorado River conservation organization, seeks a half-time project coordinator to assume responsibility for developing/implementing a collaborative, grassroots-oriented river protection project in the Green River watershed (Wyoming, Colorado, Utah). Must be bright, energetic, outgoing, self-motivated, organized and willing to travel extensively. Minimum of bachelor's degree, three years' experience in river conservation and knowledge of Colorado/Green River issues required. Degree in natural resource-related field, current resident of N.E. Utah, S.W. Wyoming or N.W. Colorado preferred. Position will be located within the watershed. Send cover letter, résumé and three references to Southwest Rivers, P.O. Box 1845, Flagstaff, AZ 86002. Deadline: Nov. 8.

PROPERTY CARETAKERS enjoy rent-free living! 800+ caretaking/housesitting opportunities available. Call *The Caretaker Gazette* at 715/426-5500 or see our Web site at www.caretaker.org.

DEVELOPMENT DIRECTOR: High Country News seeks a high-energy, experienced development director to plan, direct and carry out all aspects of fundraising for this nonprofit, multimedia news organization located in the rural, Western town of Paonia, Colorado. Candidates should have five-plus years experience in grant writing and high-donor development and should be comfortable with event planning, database management and solicitation, both one-on-one and through the written word. Knowledge of Western environmental issues a plus. Salary $35,000 - $45,000 depending on experience. Send cover letter, résumé and supporting materials to Development Director, *HCN*, P.O. Box 1090, Paonia, CO 81428.


STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION
(Required by 39 U.S.C. 3685)

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ENVIRONMENTAL LAW — Vermont [illegible] School, a leader in environmental [illegible], offers a one-year master's degree in environmental law for non-lawyers and an LL.M. in environmental law for lawyers. Summer Session, with thirty cutting-edge courses in environmental law and policy, is open to the public. 800/227-1395 x2217 or www.vermontlaw.edu.

HIGH COUNTRY CITIZENS' ALLIANCE, a grassroots environmental organization in Gunnison County, Colo., since 1977, seeks an Executive Director. Duties include working with an active Board of Directors and managing three dedicated staff members, fund raising and development (grant writing, [illegible]r donor, etc.), organizing projects, public s[illegible]ing, and preparing an annual budget. Strong writing, fund raising, teamwork and speaking skills a must. Knowledge of water and p[illegible] land policies a plus. Salary commens[illegible]e with experience. Position begins Jan. 1. Send résumé by Nov. 1st to Denis Hall, President, HCCA, Box 1066, Crested Butte, CO 81224 or dhall@crestedbutte.net.


*This holiday season, give a gift of High Country News*

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$22 for each additional subscription

Grant Administrator Interview Questions
Rio Colorado Reclamation Committee

Name of applicant **Patrick Nicholson** Date of Interview **11/5/02**

Have you ever administered any kind of grants? Any federal grants?
**Yes. He joint administers several grants. He has the primary responsibility of reporting and tracking a Americorp Federal grant of $500,000 in his present job with Rocky Mountain Youth Corps. He helps administer numerous smaller federal grants and numerous state grants.**

What kind of book keeping skills do you have?
**He feels that he is skilled in that area. He presently keeps track of all the in-kind documentation for the Youth Corp.**

Are you able to work from home?
**Yes**

Have you ever worked on an administrative level for a non-profit organization?
**Yes- Rocky Mountain Youth Corps. He also worked on the President's counsel on Sustainable Development. When he was in the Peace Corps he helped launch a 501 c 3 in another country. He worked for a non-profit in Albuquerque where he was one of 3 staff- they all did everything.**

Have you ever worked for the mine?
**No**

What are your views on the environment in general, and on the Molycorp mine and its impact on the area in particular?
**He is committed to the environmental movement. He believes that it is essential to maintain a healthy environment. He feels that it is important to have a resource base that can be depended upon. He reads about the what goes at the mine in the paper. He has seen the impact by driving by.**

Do you believe you will be able to perform the work outlined in the request for applications letter in 25 hours a quarter?
**Yes- but he would like to know some more details. Sometimes things take more time that anticipated.**

How much an hour would you charge to perform the tasks outlined in the application letter?
**20/hr**

Patrick Nicholson
6459 NDCBU
Taos, NM 87571

October 26, 2002

Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 57556

Dear Ms. Conn,

I am pleased to apply for the position of Grant Administrator for the Rio Colorado Reclamation Committee. My resume is enclosed as requested.

In my current position as Reporting and Evaluation Coordinator for Rocky Mountain Youth Corps (RMYC), I perform essentially the same duties indicated in the position description. I coordinate and administer many of RMYC's grant requirements. It is my responsibility to track and report on all aspects of programming and to insure timely submittal to private and government funders. I am very detailed oriented and organized and have successfully created a system of data collection and tracking for RMYC's multiple programs and over 100 employees.

I am a young man with a growing family with a keen interest in protecting the natural resource base and environment of northern New Mexico. I am excited about the possibility to apply my talents and experience in this effort for environmental justice and to become more involved and engaged with local environmental matters.

As our family puts down roots in the area, my civic and community involvement continues to grow. I am currently serving on the Anansi Charter School Governance Board as Vice-President and as a member of the Town of Taos Parks and Recreation Citizen's Advisory Committee. In the past year, I have also participated in the Taos Plaza Revitalization Project as a group facilitator during its Community Forum.

I can be reached at (505) 751-3063 and would welcome any questions regarding my qualifications and interest in the Grant Administrator position. I look forward to serving the Rio Colorado Reclamation Committee.

Thank you for your time and consideration.

Sincerely,

Patrick Nicholson

OMB CONTROL NO.2030-0020
APPROVED: 12/30/02
APPROVAL EXPIRES: 12/30/05

# U.S. ENVIRONMENTAL PROTECTION AGENCY
## MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND INTERAGENCY AGREEMENTS

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**PART 1. (Reports are required even if no procurements are made during the reporting period.)**

| | |
|---|---|
| 1A. FEDERAL FISCAL YEAR<br>2005 | 1B. REPORTING QUARTER (Check appropriate box)<br>☐ 1st (Oct-Dec) ☐ 2nd (Jan-Mar) ☐ 3rd (Apr-Jun) ☐ 4th (Jul-Sep) ☑ Annual |
| 1C. REVISION<br>Year: _____<br>Quarter: _____ | HIGHLIGHT ITEMS TO BE REVISED AND PROVIDE EXPLANATION IN BLOCK No. 6 |
| 2A. FEDERAL FINANCIAL ASSISTANCE AGENCY (EPA Office Address - ATTN: DBE Coordinator)<br>US EPA Region 6<br>1445 Ross Avenue Suite 1200 | 3A. REPORTING RECIPIENT (Name and Address)<br>Rio Colorado Reclamation Committee<br>P.O. Box 637<br>Questa, NM 87556 |
| 2B. REPORTING CONTACT (EPA DBE Coordinator)<br>Beverly Negri<br>2C. PHONE: 800.533.3508 | 3B. REPORTING CONTACT (Recipient)<br>PATRICK NICHOLSON<br>3C. PHONE: 505.751.3063 |
| 4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER (SRF State Recipients, Refer to Instructions for Completion of 4A, 5A, and 5C)<br>I-98687101-0 | 4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM<br>TAG |
| 5A. TOTAL ASSISTANCE AGREEMENT AMOUNT<br>EPA Share: $ 50,000<br>Recipient Share: $ 12,500 | 5B. Check and skip to Block No. 7 if no procurements and accomplishments were made this reporting period. ☑ |
| 5C. TOTAL PROCUREMENT AMOUNT THIS REPORTING PERIOD (ONLY include the amount not in any prior reporting period and procurements made by SRF Loan Recipients and Sub-Recipients)<br>$ _____<br>(Exclude procurement amounts reported by Prime Contractors) | |

5D. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD BY RECIPIENT (SRF State Recipients, Report State Procurement Activities Here)

| | $ MBE | $ WBE |
|---|---|---|
| Construction | | |
| Equipment | | |
| Services | | |
| Supplies | | |
| TOTAL | | |

5E. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD BY LOAN RECIPIENTS, SUB-RECIPIENTS, AND PRIME CONTRACTORS

| | $ MBE | $ WBE |
|---|---|---|
| Construction | | |
| Equipment | | |
| Services | | |
| Supplies | | |
| TOTAL | | |

6. COMMENTS:

| | |
|---|---|
| 7. NAME OF AUTHORIZED REPRESENTATIVE<br>Rachel Conn | TITLE<br>Program Director |
| 8. SIGNATURE OF AUTHORIZED REPRESENTATIVE<br>Rachel Conn | DATE<br>11/1/05 |

EPA FORM 5700-52A (5/96) available electronically at http://www.epa.gov/osdbu/5700\52a.pdf

NOTE: THIS REPORT IS DUE 30 DAYS AFTER THE END OF EACH FEDERAL FISCAL QUARTER OR ANNUAL SUBMISSION DATES ARE: January 30, April 30, July 30, and October 30*

*SUBMISSION DATE FOR ANNUAL REPORTS

2/2/06 Original faxed to LVFC, delivered to Darlene, Grant
Copy in TAG File zfh

OMB CONTROL NO.2030-0020
APPROVED: 12/30/02
APPROVAL EXPIRES: 12/31/05

# U.S. ENVIRONMENTAL PROTECTION AGENCY
# MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND INTERAGENCY AGREEMENTS

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| | |
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| | | | |
|---|---|---|---|
| 2B. REPORTING CONTACT (EPA DBE Coordinator)<br>Beverly Negri | 2C. PHONE:<br>800.533.3508 | 3B. REPORTING CONTACT (Recipient)<br>PATRICK NICHOLSON | 3C. PHONE:<br>505.751.3063 |

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| | | |
|---|---|---|
| 5A. TOTAL ASSISTANCE AGREEMENT AMOUNT<br>EPA Share: $ 50,000<br>Recipient Share: $ 12,500 | 5B. Check and skip to Block No. 7 if no procurements and accomplishments were made this reporting period.<br>☑ | 5C. TOTAL PROCUREMENT AMOUNT THIS REPORTING PERIOD (ONLY include the amount not in any prior reporting period and procurements made by SRF Loan Recipients and Sub-Recipients)<br>$ _____<br>(Exclude procurement amounts reported by Prime Contractors) |

5D. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD BY RECIPIENT (SRF State Recipients, Report State Procurement Activities Here)

| | $ MBE | $ WBE |
|---|---|---|
| Construction | | |
| Equipment | | |
| Services | | |
| Supplies | | |
| TOTAL | | |

5E. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD BY LOAN RECIPIENTS, SUB-RECIPIENTS, AND PRIME CONTRACTORS

| | $ MBE | $ WBE |
|---|---|---|
| Construction | | |
| Equipment | | |
| Services | | |
| Supplies | | |
| TOTAL | | |

6. COMMENTS:

| | |
|---|---|
| 7. NAME OF AUTHORIZED REPRESENTATIVE<br>Rachel Conn | TITLE<br>Program Director |
| 8. SIGNATURE OF AUTHORIZED REPRESENTATIVE<br>Rachel Conn | DATE<br>11/18/04 |

EPA FORM 5700-52A - (5/96) available electronically at http://www.epa.gov/osdbu/5700_52a.pdf
NOTE: THIS REPORT IS DUE 30 DAYS AFTER THE END OF EACH FEDERAL FISCAL QUARTER OR ANNUAL SUBMISSION DATES ARE: **January 30, April 30, July 30, and October 30***
*SUBMISSION DATE FOR ANNUAL REPORTS

Sent to EPA 12/1/03

OMB CONTROL NO.2030-0020
APPROVED: 12/30/02
APPROVAL EXPIRES: 12/31/05

# U.S. ENVIRONMENTAL PROTECTION AGENCY
# MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND INTERAGENCY AGREEMENTS

**PART 1. (Reports are required even if no procurements are made during the reporting period.)**

| | |
|---|---|
| 1A. FEDERAL FISCAL YEAR<br>200 3 | 1B. REPORTING QUARTER (Check appropriate box)<br>☐ 1st (Oct-Dec) ☐ 2nd (Jan-Mar) ☐ 3rd (Apr-Jun) ☐ 4th (Jul-Sep) ☑ Annual |
| 1C. REVISION<br>Year: _____<br>Quarter: _____ | HIGHLIGHT ITEMS TO BE REVISED AND PROVIDE EXPLANATION IN BLOCK No. 6 |

| | |
|---|---|
| 2A. FEDERAL FINANCIAL ASSISTANCE AGENCY (EPA Office Address - ATTN: DBE Coordinator)<br>US EPA Region 6<br>1445 Ross Avenue Suite 1200<br>Dallas, TX 75202-2733 | 3A. REPORTING RECIPIENT (Name and Address)<br>Rio Colorado Reclamation Committee<br>P.O. Box 637<br>Questa, NM 87556 |

| | | | |
|---|---|---|---|
| 2B. REPORTING CONTACT (EPA DBE Coordinator)<br>Beverly Negri | 2C. PHONE:<br>800.533.3508 | 3B. REPORTING CONTACT (Recipient)<br>PATRICK NICHOLSON | 3C. PHONE:<br>505.751.3063 |

| | |
|---|---|
| 4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER (SRF State Recipients, Refer to Instructions for Completion of 4A, 5A, and 5C)<br>I-98687101-0 | 4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM<br>TAG |

| | | |
|---|---|---|
| 5A. TOTAL ASSISTANCE AGREEMENT AMOUNT<br>EPA Share: $ 50,000<br>Recipient Share: $ 12,500 | 5B. Check and skip to Block No. 7 if no procurements and accomplishments were made this reporting period.<br>☑ | 5C. TOTAL PROCUREMENT AMOUNT THIS REPORTING PERIOD (ONLY include the amount not in any prior reporting period and procurements made by SRF Loan Recipients and Sub-Recipients)<br>$ _____<br>(Exclude procurement amounts reported by Prime Contractors) |

5D. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD BY RECIPIENT (SRF State Recipients, Report State Procurement Activities Here)

| | $ MBE | $ WBE |
|---|---|---|
| Construction | | |
| Equipment | | |
| Services | | |
| Supplies | | |
| TOTAL | | |

5E. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD BY LOAN RECIPIENTS, SUB-RECIPIENTS, AND PRIME CONTRACTORS

| | $ MBE | $ WBE |
|---|---|---|
| Construction | | |
| Equipment | | |
| Services | | |
| Supplies | | |
| TOTAL | | |

6. COMMENTS:
Rec'd 3/12/04 Original delivered to Bradford 3/12/04. Zpk

| | |
|---|---|
| 7. NAME OF AUTHORIZED REPRESENTATIVE<br>Rachel Conn | TITLE<br>~~11/25/03~~ Program Director |
| 8. SIGNATURE OF AUTHORIZED REPRESENTATIVE<br>Rachel Conn | DATE<br>11/25/03 |

EPA FORM 5700-52A - (5/96) available electronically at http://www.epa.gov/osdbu/5700_52a.pdf

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*SUBMISSION DATE FOR ANNUAL REPORTS

## MBE/WBE PROCUREMENTS MADE DURING REPORTING PERIOD
## EPA Financial Assistance Agreement Number: _____

| 1. Procurement Made By | | 2. Business Enterprise | | 3. $ Value of Procurement | 4. Date of Award MM/DD/YY | 5. Type of Product or Services[A] (Enter Code) | 6. Name/Address/Phone Number of MBE/WBE Contractor or Vendor |
|---|---|---|---|---|---|---|---|
| Recipient | Other | Minority | Women | | | | |
| | | | | | | | |
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| | | | | | | | |

[A]Type of product or service codes:

1 = Construction

2 = Supplies

3 = Services
- A = Business Services
- B = Professional Services
- C = Repair Services
- D = Personal Services

4 = Equipment

OMB CONTROL NO.2030-0020
APPROVED: 12/30/02
APPROVAL EXPIRES: 12/31/05

# U.S. ENVIRONMENTAL PROTECTION AGENCY
# MBE/WBE UTILIZATION UNDER FEDERAL GRANTS, COOPERATIVE AGREEMENTS, AND INTERAGENCY AGREEMENTS

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|---|---|
| 1A. FEDERAL FISCAL YEAR<br>200 3 | 1B. REPORTING QUARTER (Check appropriate box)<br>☐ 1st (Oct-Dec) ☐ 2nd (Jan-Mar) ☐ 3rd (Apr-Jun) ☐ 4th (Jul-Sep) ☑ Annual |
| 1C. REVISION<br>Year: _____<br>Quarter: _____ | HIGHLIGHT ITEMS TO BE REVISED AND PROVIDE EXPLANATION IN BLOCK No. 6 |
| 2A. FEDERAL FINANCIAL ASSISTANCE AGENCY (EPA Office Address - ATTN: DBE Coordinator)<br>US EPA Region 6<br>1445 Ross Avenue Suite 1200<br>Dallas, TX 75202-2733 | 3A. REPORTING RECIPIENT (Name and Address)<br>Rio Colorado Reclamation Committee<br>P.O. Box 637<br>Questa, NM 87556 |
| 2B. REPORTING CONTACT (EPA DBE Coordinator)<br>Beverly Negri<br>2C. PHONE: 800.533.3508 | 3B. REPORTING CONTACT (Recipient)<br>PATRICK NICHOLSON<br>3C. PHONE: 505.751.3063 |
| 4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER (SRF State Recipients, Refer to Instructions for Completion of 4A, 5A, and 5C)<br>1-98687101-0 | 4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM<br>TAG |
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| | $ MBE | $ WBE |
|---|---|---|
| Construction | | |
| Equipment | | |
| Services | | |
| Supplies | | |
| TOTAL | | |

5E. ACTUAL MBE/WBE PROCUREMENT ACCOMPLISHED THIS REPORTING PERIOD BY LOAN RECIPIENTS, SUB-RECIPIENTS, AND PRIME CONTRACTORS

| | $ MBE | $ WBE |
|---|---|---|
| Construction | | |
| Equipment | | |
| Services | | |
| Supplies | | |
| TOTAL | | |

6. COMMENTS:

| | |
|---|---|
| 7. NAME OF AUTHORIZED REPRESENTATIVE<br>Rachel Conn | TITLE<br>~~11/25/03~~ Program Director |
| 8. SIGNATURE OF AUTHORIZED REPRESENTATIVE<br>Rachel Conn | DATE<br>11/25/03 |

EPA FORM 5700-52A - (5/96) available electronically at http://www.epa.gov/osdbu/5700_52a.pdf

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*SUBMISSION DATE FOR ANNUAL REPORTS

12/11/03 requested an "original copy".

**Technical Advisor Contract**

RECEIVED
EPA REGION VI
03 MAR 25 PM 1:12
PROGRAMS MGMT BRANCH

This contract is entered into this (date) 3/6/03 of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Azurite Inc. and Steve Blodgett (hereafter referred to as "contractor").

## I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

### A. Purpose:

The Rio Colorado Reclamation Committee (RCRC) is entering into this contract with Azurite Inc. and Steve Blodgett who will provide the services of co-technical advisors and assist in the review and analysis of remedial activities at the Molycorp mine site.

### B. Contractual Period and General Statement of Duties:

This contract will cover a 21 month period. This contract may be renewed, at the option of the RCRC, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but it is not to exceed ten years. If the RCRC desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 60 days prior to the expiration of the present term.

The co-technical advisors will assist RCRC members in interpreting documents generated throughout the remedial investigation / feasibility study (RI/FS) process at the Molycorp mine site. The advisors also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that RCRC members and the impacted community are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

### C. Specific Contractor Tasks:

1. The contractor will assist with reviewing, commenting on, and interpreting documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report. The contractor will produce or co-produce concise summary reports or memos for each major document generated during the RI process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done. Copies of all reports and summaries will also be sent to the EPA.

reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 4

Total time for Task 4 from February 2003-September 2004= 50 hours

Ken Klco-- 50 hours

5. Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site. The contractor will prepare or co-prepare written comments on the ROD on behalf of the RCRC. The contractor will also provide oral comments at the RCRC meetings. Copies of all reports and summaries will also be sent to the EPA.

Estimated time for TA to spend on Task 5

Total time for TA to spend on Task 5= 40 hours

Ken Klco-- 20 hours

Steve Blodgett-- 20 hours

6. The contractor will consult with the RCRC board of directors and other Technical Advisors retained by RCRC to make sure that the above listed tasks are completed.

*Charges for Task 6 will be Included In billings for Tasks 1-5 above.*

**D. Reports**

The contractors will submit the following reports

1) Progress Reports:

The Contractors shall submit quarterly progress reports to the RCRC. These reports shall contain the following information summarizing the activities undertaken to date by the Contractors:

a) hours worked, categorized by the Statement of Work tasks;
b) dollars spent by task and total dollars spent for the reporting period;
c) a summary description of activities;
d) a copy of any written materials prepared during the reporting period, if such written materials are required to be submitted to RCRC by the Statement of Work tasks that have not been previously submitted; and

e) an identification of any outstanding concerns about the Molycorp mine site and impacted area which may impact the cleanup process and have not yet been addressed.

RCRC and the Contractor shall confer and agree on schedules for submission, review and revision, if revision is necessary, of quarterly progress reports.

2) Final Report:

Within 60 days of the end of the contract, the Contractor shall prepare and submit to RCRC, for its review and approval, a final report that shall describe all activities undertaken under the contract and discuss their effectiveness in meeting the purpose of the contract. The RCRC shall review the final report and may require revisions. Upon receipt of the RCRC revisions, the Contractor shall incorporate any revisions necessary and resubmit the final report within 30 days.

**E. Technical Direction and Acceptance:**

The RCRC appoints Mr Roberto Vigil, President, as the overall manager for this contract. He is the only person authorized by RCRC to amend this contract, negotiate changes, receive reports, and accept any other deliverables. The contractor must not incur costs at the direction of anyone else; otherwise RCRC shall not be liable for these costs.

## II. PAYMENT

**A.** The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 50 dollars per labor hour which shall include overhead, general and administrative costs, and any allowed fee or profit.

**B.** Reimbursement for Other Direct Costs, not to exceed $6,000.00, shall be at the following rates:

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |
| 7. Lodging and Per Diem expense | (charged at the government rate) |
| 8. Other travel expenses | at cost |

9. Miles driven for RCRC functions (charged at the government rate)

Travel rates shall be limited to approved federal reimbursement rates.
(These rates can be found in 41 CFR 301-304.)

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

$43,000.00

(Forty Three Thousand dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. Orginal receipts for all expenses must accompany each invoice for reimbursement. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

The RCRC is limited under the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.

### B. Final Invoice

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

### A. Supersession

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

### B. Privity of Contract

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

### C. Termination

1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

2) This contract may be terminated in whole or in part, in writing, by RCRC for it's convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

   The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice

directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

**D. Remedies**

Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

**E. Audit - Access to Records**

1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

   The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

2) If this is a formally advertised, competitively awarded, fixed-price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

3) Audits conducted under this provision shall be in accordance with generally accepted

auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:
   a) To the extent the records pertain directly to contract performance.

   b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

   c) If the contract is terminated for default or for convenience

**F. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

**G. Gratuities**

1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

2) In the event this contract is terminated as provided in paragraph 1), the RCRC

may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

**H. Responsibility of the Contractor**

1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review, approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to RCRC or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to RCRC, RCRC-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that RCRC may have against the contractor for faulty materials, equipment, or work.

**I. Final Payment**

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

**J. Conflict of Interest**

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

5) The contractor further agrees to insert into any such subcontract or consulting agreement hereunder provisions that shall conform substantially to the language of this Agreement.

**K. Personal Conflict of Interest**

1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity

of the employee, subcontractor employee, or consultant in performing the work.

3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

**L. Independent Contractor**

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

**M. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government because then they would be reviewing their own work.

Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

Reopening final EPA decisions or conducting disputes with EPA.

**N. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

**O. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signature**

Ken Kl co
Azurite Inc.

3/6/03
Date

Steve Blodgett

3/6/03
Date

RCRC

3-6-03
Date

RCRC

3-6-03
Date

2nd draft Rec'd 2/3/03 COPY

# Technical Advisor Contract

This contract is entered into this (date) of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Azurite Inc. and Steve Blodgett (hereafter referred to as "contractor").

## I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

### A. Purpose:

The Rio Colorado Reclamation Committee (RCRC) is entering into this contract with Azurite Inc. and Steve Blodgett who will provide the services of co-technical advisors and assist in the review and analysis of remedial activities at the Molycorp mine site.

### B. Contractual Period and General Statement of Duties:

This contract will cover a 21 month period. ~~This~~ contract may be renewed, at the option of the RCRC, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but it is not to exceed ten years. If the RCRC desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 60 days prior to the expiration of the present term.

The co-technical advisors will assist RCRC members in interpreting documents generated throughout the remedial investigation / feasibility study (RI/FS) process at the Molycorp mine site. The advisors also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that RCRC members and the impacted community are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

### C. Specific Contractor Tasks:

1) The contractor will assist with reviewing, commenting on, and interpreting documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report. The contractor will produce or co-produce concise summary reports or memos for each major document generated during the RI process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

2) The contractor will attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, Village of Questa officials and the public. Keep notes of meetings and summarize at RCRC meetings and in the RCRC newsletter. The contractor swill provide a concise written summary of each technical meeting at RCRC meetings and in the quarterly newsletter produced by RCRC.

3) The contractor swill assist with reviewing commenting on, and interpreting documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated during the FS phase. The contractors will produce co-produce short summary reports or memos for each major document generated during the FS process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter.

4) Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final USGS report and write summary for the RCRC. Give regular updates on the status of this study to the RCRC and write concise updates on this activity in the RCRC newsletter.

5) Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site. The contractor will prepare or co-prepare written comments on the ROD on behalf of the RCRC. The contractors will also provide oral comments at the RCRC meetings.

6) The contractors will consult with the RCRC board of directors and other Technical Advisors retained by RCRC to make sure that the above listed tasks are completed.

OK 2/18

**D. Reports**

The contractors will submit the following reports

1) Progress Reports:

monthly per pg. 32 of procurement manual

The Contractors shall submit quarterly progress reports to the RCRC. These reports shall contain the following information summarizing the activities undertaken to date by the Contractors:

a) hours worked, categorized by the Statement of Work tasks;
b) dollars spent by task and total dollars spent for the reporting period;
c) a summary description of activities;
d) a copy of any written materials prepared during the reporting period, if such written materials are required to be submitted to RCRC by the Statement of Work tasks that have not been previously submitted; and

e) an identification of any outstanding concerns about the Molycorp mine site and impacted area which may impact the cleanup process and have not yet been addressed.

RCRC and the Contractor shall confer and agree on schedules for submission, review and revision, if revision is necessary, of quarterly progress reports.

2) Final Report:

Within 60 days of the end of the contract, the Contractor shall prepare and submit to RCRC, for its review and approval, a final report that shall describe all activities undertaken under the contract and discuss their effectiveness in meeting the purpose of the contract. The RCRC shall review the final report and may require revisions. Upon receipt of the RCRC revisions, the Contractor shall incorporate any revisions necessary and resubmit the final report within 30 days.

**E. Technical Direction and Acceptance:**

The RCRC appoints Mr Roberto Vigil, President, as the overall manager for this contract. He is the only person authorized by RCRC to amend this contract, negotiate changes, receive reports, and accept any other deliverables. The contractor must not incur costs at the direction of anyone else; otherwise RCRC shall not be liable for these costs.

## II. PAYMENT

**A.** The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 50 dollars per labor hour which shall include overhead, general and administrative costs, and any allowed fee or profit.

**B.** Reimbursement for Other Direct Costs, not to exceed $6,600.00, shall be at the following rates:

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |
| 7. Lodging and Per Diem expense | (charged at the government rate) |

8. Other travel expenses at cost

9. Miles driven for RCRC functions (charged at the government rate)

Travel rates shall be limited to approved federal reimbursement rates.
(These rates can be found in 41 CFR 301-304.)

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

ok 2/18 $43,100.00

(Forty Three Thousand and One hundred dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. Orginal receipts for all expenses must accompany each invoice for reimbursement. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

ok 2/18 The RCRC is limited ~~under~~ monthly the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.

### B. Final Invoice

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

### A. Supersession

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

### B. Privity of Contract

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

### C. Termination

1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

2) This contract may be terminated in whole or in part, in writing, by RCRC for it's convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

   The equitable adjustment for any termination shall provide for payment to the

contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

**D. Remedies**

Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

E. missing again

**~~F.~~ E. Audit - Access to Records**

1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

   The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

2) If this is a formally advertised, competitively awarded, fixed-price contract, the

contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

3) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:
   a) To the extent the records pertain directly to contract performance.

   b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

   c) If the contract is terminated for default or for convenience

## F ~~G~~. Covenant Against Contingent Fee

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

## G ~~H~~. Gratuities

1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of

entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

2) In the event this contract is terminated as provided in paragraph 1), the RCRC may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

**H. ~~I.~~ Responsibility of the Contractor**

1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review, approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to RCRC or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to RCRC, RCRC-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish

any other rights that RCRC may have against the contractor for faulty materials, equipment, or work.

I. J. **Final Payment**

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

I. ~~K.~~ ~~**Conflict of Interest**~~ Organizational Conflict of Interest

recommend

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

missing 2/18 e. Type out for Rachel.

~~L.~~ K. **Personal Conflict of Interest**

1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

**L. ~~M.~~ Independent Contractor**

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

**M. ~~N.~~ Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government or any other entity.

Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

Reopening final EPA decisions or conducting disputes with EPA.

**N. O. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

**O. P. Record Retention**

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**Acceptance Signatures**

| | |
|---|---|
| Ken Kl co<br>Azurite Inc. | Date |
| Steve Blodgett | Date |
| RCRC | Date |

Contract # [redacted] ~~550~~ + ~~3,300~~ ~~24,850~~ 40,000 Exactly same as Klco

40,000

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# Technical Advisor Contract

This contract is entered into this (date) of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Steve Blodgett (hereafter referred to as "contractor").

## I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

### A. Purpose:

The Rio Colorado Reclamation Committee (RCRC) is entering into this contract with Ken Klco who will provide the services of a technical advisor and assist in the review and analysis of remedial activities at the Molycorp mine site.

Blodgett?

### B. Contractual Period and General Statement of Duties:

why

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The technical advisor will assist RCRC members in interpreting documents generated throughout the remedial investigation / feasibility study (RI/FS) process at the Molycorp mine site. The advisor also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that RCRC members and the impacted community are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

### C. Specific Contractor Tasks:

1) The contractor will assist with reviewing, commenting on, and interpreting documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report. The contractor will produce or co-produce concise summary reports or memos for each major document generated during the RI process. These summaries will be

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5) Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site. The contractor will prepare or co-prepare written comments on the ROD on behalf of the RCRC. The contractor will also provide oral comments at the RCRC meetings.

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The contractor will submit the following reports

1) Progress Reports:

The Contractor shall submit quarterly progress reports to the RCRC. These reports shall contain the following information summarizing the activities undertaken to date by the Contractor:

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e) an identification of any outstanding concerns about the Molycorp mine site and impacted area which may impact the cleanup process and have not yet been addressed.

RCRC and the Contractor shall confer and agree on schedules for submission, review and revision, if revision is necessary, of quarterly progress reports.

2) Final Report:

Within 60 days of the end of the contract, the Contractor shall prepare and submit to RCRC, for its review and approval, a final report that shall describe all activities undertaken under the contract and discuss their effectiveness in meeting the purpose of the contract. The RCRC shall review the final report and may require revisions. Upon receipt of the RCRC revisions, the Contractor shall incorporate any revisions necessary and resubmit the final report within 30 days.

omitted C. Technical Direction + Acceptance

**II. PAYMENT**

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| | |
|---|---|
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| 7. Lodging and Per Diem expense | (charged at the government rate) |
| 8. Other travel expenses | at cost |

9. Miles driven for RCRC functions (charged at the government rate)

Travel rates shall be limited to approved federal reimbursement rates.
(These rates can be found in 41 CFR 301-304.)

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

$21,550.00 incorrect

(Twenty One Thousand Five Hundred and Fifty Dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. Orginal receipts for all expenses must accompany each invoice for reimbursement. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

The RCRC is limited under the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.

cancel monthly

### B. Final Invoice

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

### A. Supersession

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

### B. Privity of Contract

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

### C. Termination

1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

2) This contract may be terminated in whole or in part, in writing, by the RCRC for its convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for convenience is effected by the RCRC, the equitable adjustment shall include a

reasonable profit for services or other work performed.

The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

**D. Remedies**

Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

E. missing

**F. Audit - Access to Records**

1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the RCRC and New Mexico or any

of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

2) If this is a formally advertised, competitively awarded, fixed-price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

3) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:
    a) To the extent the records pertain directly to contract performance.

    b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

    c) If the contract is terminated for default or for convenience

**G. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose

of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

**H. Gratuities**

1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

2) In the event this contract is terminated as provided in paragraph 1), the RCRC may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

**I. Responsibility of the Contractor**

1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review, approval, acceptance, or payment of any of the services shall be construed as a waiver

of any rights under this contract or of any cause for action arising out of the performance of this contract.

4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to the Coalition or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to the Coalition, Coalition-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that the Coalition may have against the contractor for faulty materials, equipment, or work.

**J. Final Payment**

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

**K. Conflict of Interest**

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the RCRC. This disclosure shall include a description of

actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

**L. Personal Conflict of Interest**

1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

**M. Independent Contractor**

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is

likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

**N. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government or any other entity.

Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

Reopening final EPA decisions or conducting disputes with EPA.

**O. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

**P. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signatures**

| | |
|---|---|
| Steve Blodgett | Date |
| RCRC | Date |

October 24, 2002

Rachel Conn
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Dear Ms. Conn:

I am applying for the job of Technical Advisor advertised in the *Albuquerque Journal* and *High Country News*. I have enclosed a copy of my resume, a list of references, and a writing sample for your review.

The only changes I would propose to the Statement of Work for the Technical Advisor are to move the startup dates for work from August 2002 to December 2002 and to delete Task 4, which describes work associated with the USGS Background Study. My understanding of this work is that it is being done as a New Mexico Environment Department permit requirement and the Technical Advisor is allowed to represent the RCRC only on issues related to the RI/FS process, which is a federal action. However, if the EPA allows the TA to attend meetings on the USGS Background Study it would be helpful to the RCRC.

I have been working in the field of mine reclamation since 1987 and have a wide variety of experience, ranging from coal mining to mining cleanup at Superfund sites to preparation and review of reclamation and closeout plans for large copper and molybdenum mines in New Mexico, including the Molycorp mine near Questa. I established and managed the reclamation program for the county government in Butte, Montana, site of the largest Superfund cleanup in the U.S. I also worked as a Technical Advisor to the Milltown Technical Assistance Committee on the Milltown Dam Superfund cleanup outside of Missoula, Montana. In addition, I worked on the Leadville, Colorado Superfund site as a consultant to Asarco to design a trail system that is now part of the reclaimed land use on the east side of Leadville. Before I completed my M.S. in mine reclamation at Montana State University, I worked on a field crew conducting the original soil survey of the Butte Superfund site.

My work on the Molycorp mine has been done for Amigos Bravos. I have been involved in permit negotiations; review of mine closure/closeout plans; and in several ongoing technical studies at the mine. The writing sample I have submitted was a report done to assess the potential impacts of subsidence at the Molycorp mine. I am also familiar with the AOC and the RI/FS process currently underway at the mine.

I believe that my education and experience make me well qualified to work as a Technical Advisor to the RCRC on the Questa mine RI/FS process. I look forward to scheduling an interview to discuss this position. Thank you.

Sincerely,

Steve Blodgett

Steve Blodgett

Encl.: Resume
References
Writing sample

October 28, 2002

Rachel Conn
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 87556

Dear Ms. Conn:

Last week I submitted an application to the RCRC for the Technical Advisor position you had advertised. I forgot to include a cost estimate for the work to be performed under each task. Listed below is a yearly cost estimate for each task (except for Task 4 which may not be allowed by EPA) based on my rate of $50/hour.

Task 1

*Review and comment on RI documents.* I estimate that this task would require approximately 200 hours for one year, so my charge for this work would be
200 hours x $50/hr= $10,000.

Task 2

*Attend technical meetings; keep notes; help write RCRC newsletter.* I expect that this work would require approximately 10 hours each month, so the yearly charge would be 120 hours x $50/hr= $6000. This task should extend through both years of the grant, so the total for Task 2 would be $12,000.

Task 3

*Review and comment on FS documents.* This work is not likely to begin until late 2003 or early 2004 and will last about one year. I would estimate the work to require 18 hours each month, so my charge would be 216 hours x $50/hr= $10,800.

Task 4

*Possibly deleted.*

Task 5

*Review and comment on draft and final ROD; attend public meetings on ROD; write final newsletter on ROD.* This is a one-time task that I estimate will require approximately 24 hours, so my charge would be 24 hours x $50/hr= $1200.

Travel & Lodging Expenses

At this time, I am living in Socorro, NM. I anticipate that my monthly travel costs would average $250. Therefore, the estimated expense charges for the two-year grant period would be $250/month x 24 months= $6000. However, if I am awarded the contract for this work, I expect to move to the Taos area which will reduce my expense charges for the two-year period to about $2000.

The sum for all of these tasks plus expenses is **$40,000** for the projected two-year grant period. The RI/FS process is unique for each site, so these estimates may require adjustment as the process evolves. Please include this letter with my previous submission. Thank you.

Sincerely,

Steve Blodgett

Steve Blodgett

# VITA


## Stephen Daniel Blodgett
**Professional Environmental Consultant**

**P.O. Box 237**
**Socorro, NM 87801-0237**
**(505) 838-3899**
**e-mail: fez@sdc.org**


**Education:**

B.A [English/Philosophy], University of Texas, 1969
M.S. [Land Reclamation], Montana State University, 1989
Additional science/engineering coursework at University of Colorado (65-67); New Mexico Institute of Mining & Technology (80-84); New Mexico State University (85); Montana College of Mineral Science & Technology (86-87).

**Work History:**

Technical Consultant: December 2000-present

*Technical advisor to public-interest and Tribal groups on mining reclamation; Environmental Impact Statements; and related environmental issues.*

Clients: Gila Resources Information Project (working on closure/closeout plans for the Phelps Dodge copper mines in Grant County, NM); Amigos Bravos (working on closure/closeout plans for the Molycorp molybdenum mine); Mineral Policy Center (writing technical reports on hard rock mining subsidence and financial assurance).

Director, Hopi Environmental Protection Office: 1998-2000

*Established and managed Tribal environmental program with staff of 4 and annual budget of $500,000*

Wrote grants to EPA and other federal agencies; established an Underground Storage Tank program, hired and trained technician, and oversaw work at Moenkopi LUST site; developed GIS maps of Hopi Reservation environmental problems; worked with villages and IHS to improve and build water and wastewater systems; hired and managed work of consultants; established Air Quality and Lead programs and conducted an ambient air quality emissions study for EPA; conducted waste dump inventory for Hopi Reservation; trained staff in hazardous materials/emergency response techniques; managed Radon program and trained staff to conduct indoor air quality surveys; worked with Water Resources program on landfill closure issues; conducted inventory of environmental problems on Hopi "ranches"; set up Adopt-a-Highway program for Tribal government; advised Chairman and Tribal Council on Hopi environmental issues.

Reclamation Specialist/Planner, Butte-Silver Bow County Government: 1993-1997

*Established and managed reclamation program in Butte, Montana on nation's largest Superfund site.*

Hired technicians and purchased equipment to conduct County reclamation program; designed monitoring program and hired consultant to quantify revegetation on Butte Hill; performed inventory of subsidence problems in Butte and hired consultants to help develop a subsidence management plan; worked with EPA, ARCO, and state agencies to develop comprehensive stormwater management plan and reclamation strategy for Butte Hill; purchased plant materials, seeds, and fertilizer and conducted plantings on Butte Hill; worked with GIS program to map reclaimed sites on Butte Hill; developed program budget of $200,00/year and work schedule for technicians; advised Planning Director, Chief Executive, and County Commissioners on Superfund/reclamation./planning issues.

Reclamation Consultant: Leadville, Colorado: 1992-1993

*Consultant to ASARCO; Hopi Tribe on mining reclamation.*

Designed historic trail system for ASARCO on east side of Leadville; drafted regulations to establish a surface coal mining program for the Hopi Tribe; worked as Technical Advisor to Milltown Technical Assistance Committee on Milltown Superfund site.

Associate Professor of Environmental Technology, Colorado Mountain College: 1991-1992

*Taught environmental sciences at community college in Leadville, Colorado.*

Taught classes in reclamation, environmental law, ecology, soil science, technical writing, and hazardous waste management to 30 students at 2-year community college; filled in for professor on a one-year sabbatical; advised students and performed administrative work.

Director, Hopi Office of Mining & Mineral Resources: 1989-1991

*Managed Tribal surface coal mining program with staff of 5 and annual budget of $200,000.*

Conducted monthly mine inspections with OSMRE; negotiated water study with Peabody Coal, OSMRE, and Navajo Nation; managed program budget, hired and supervised staff; managed Abandoned Mine Lands program; advised Chairman and Tribal Council on mining issues.

Associate Editor, Montana Bureau of Mines & Geology: 1986-1988

*Managed publishing program at state geological survey.*

Edited and produced publications on geology, hydrology, and mining; worked with printers and cartographers on maps and publications; managed publishing program and budget during frequent absences of editor.

Technical writer/editor, Los Alamos National Lab: 1984-1985

*Editing and writing science/engineering publications at national laboratory.*

Editing and producing technical publications in a variety of scientific and engineering disciplines; job required a "Q" security clearance.

Associate Editor, New Mexico Bureau of Mines & Mineral Resources: 1980-1984

*Editing publications at state geological survey.*

Edited and produced publications on geology, hydrology, and mining; worked with printers and cartographers on maps and publications; performed photographic darkroom work.

1970-1979: Professional musician with band in Austin, Texas; recorded 2 albums and toured nationally. Professional weldor from 1974-1978.

**Professional References for Steve Blodgett**

Tom Tully
GIS Manager
Butte-Silver Bow Planning Dept.
Butte-Silver Bow County Courthouse
155 W. Granite
Butte, MT
(406) 497-6200

Harris Polelonema
Community Service Administrator
Lower Moencopi Village
P.O. Box 1709
Tuba City, AZ 86045
(928) 283-5212

Dr. Bill Inskeep
Professor of Soil Chemistry
Dept. of Plant, Soil, and Environmental Sciences
Leon Johnson Hall
Montana State University
Bozeman, MT 59715
(406) 994-5077

Sally Smith
President
Gila Resources Information Project
(505) 536-9976 or 538-8978

Total $36,550 - 58,450 = $31,900 $21,550

40,000 Budget
500.00 a day

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PROCUREMENT BRANCH

# Technical Advisor Contract

This contract is entered into this (date) of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Ken Klco (hereafter referred to as "contractor").

no

## I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

### A. Purpose:

The Rio Colorado Reclamation Committee (RCRC) is entering into this contract with Ken Klco who will provide the services of a technical advisor and assist in the review and analysis of remedial activities at the Molycorp mine site.

### B. Contractual Period and General Statement of Duties:

why?

This contract will cover a 21 month period. This contract may be renewed, at the option of the RCRC, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but it is not to exceed ten years. If the RCRC desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 60 days prior to the expiration of the present term.

The technical advisor will assist RCRC members in interpreting documents generated throughout the remedial investigation / feasibility study (RI/FS) process at the Molycorp mine site. The advisor also will help members review site data and data-gathering techniques. Through this technical assistance, the contractor will ensure that RCRC members and the impacted community are thoroughly informed about all aspects of site cleanup activities, which will enable them to participate more effectively in EPA's decision-making process.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

Pg. 36 of manual

### C. Specific Contractor Tasks:

a 1) The contractor will assist with reviewing, commenting on, and interpreting documents generated during the Remedial Investigation, including, but not limited to, Work Plans; Sampling Plans; QAPPs; QA/QC Plans; Site Characterization; Soil, Vegetation, Wildlife, Groundwater, Surface Water, Air Quality, Fishery, and Ecological Studies; Human Health and Ecological Risk Assessments; Fate and Transport models; and Final Remedial Investigation report. The contractor will produce or co-produce concise summary reports or memos for each major document generated during the RI process. These summaries will be

Same errors in both TA draft contracts

handed out at RCRC meetings and will be reproduced in the RCRC newsletter. The reports will only interpret data collected by and interpretations made by the original authors of the reports. No data collection will be done with TAG funds.

2) The contractor will attend technical meetings with the PRP and its Consultants, EPA officials, USGS scientists, State officials, Village of Questa officials and the public. Keep notes of meetings and summarize at RCRC meetings and in the RCRC newsletter. The contractor will provide a concise written summary of each technical meeting at RCRC meetings and in the quarterly newsletter produced by RCRC.

3) The contractor will assist with reviewing commenting on, and interpreting documents generated during the Feasibility Study, including, but not limited to, Work Plans; Alternatives Analyses; Cost/Benefit Analyses; Technical Impracticability waiver requests; and any Risk Assessment documents generated during the FS phase. The contractor will produce co-produce short summary reports or memos for each major document generated during the FS process. These summaries will be handed out at RCRC meetings and will be reproduced in the RCRC newsletter.

4) Attend meetings with the PRP group, USGS, EPA, and State officials on the study to be done by the US Geological Survey (USGS) entitled: "An Investigation of Baseline and Pre-Mining Ground-Water Quality in the Red River Valley Basin, New Mexico." Review data and draft reports generated by this study. Review final USGS report and write summary for the RCRC. Give regular updates on the status of this study to the RCRC and write concise updates on this activity in the RCRC newsletter.

5) Review and comment on Draft and Final Record of Decision (ROD) for the Molycorp site. The contractor will prepare or co-prepare written comments on the ROD on behalf of the RCRC. The contractor will also provide oral comments at the RCRC meetings.

6) The contractor will consult with the RCRC board of directors and other Technical Advisors retained by RCRC to make sure that the above listed tasks are completed.

D. Progress Reports

The contractor will submit the following reports

1) Progress Reports:

monthly? See pg 37 in procurement manual

The Contractor shall submit quarterly progress reports to the RCRC. These reports shall contain the following ~~information~~ summarizing the activities undertaken to date by the Contractor:

a) hours worked, categorized by the Statement of Work tasks;
b) dollars spent by task and total dollars spent for the reporting period;
c) a summary description of activities;

d) a copy of any written materials prepared during the reporting period, if such written materials are required to be submitted to RCRC by the Statement of Work tasks that have not been previously submitted; and
e) an identification of any outstanding concerns about the Molycorp mine site and impacted area which may impact the cleanup process and have not yet been addressed.

RCRC and the Contractor shall confer and agree on schedules for submission, review and revision, if revision is necessary, of quarterly progress reports.

2) Final Report:

Within 60 days of the end of the contract, the Contractor shall prepare and submit to RCRC, for its review and approval, a final report that shall describe all activities undertaken under the contract and discuss their effectiveness in meeting the purpose of the contract. The RCRC shall review the final report and may require revisions. Upon receipt of the RCRC revisions, the Contractor shall incorporate any revisions necessary and resubmit the final report within 30 days.

Omitted

E. Technical Direction + Acceptance

**II. PAYMENT**

**A.** The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 50 dollars per labor hour which shall include overhead, general and administrative costs, and any allowed fee or profit.

**B.** Reimbursement for Other Direct Costs, not to exceed $3,300.00, shall be at the following rates:

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |
| 7. Lodging and Per Diem expense | (charged at the government rate) |
| 8. Other travel expenses | at cost |

9. Miles driven for RCRC functions (charged at the government rate)

Travel rates shall be limited to approved federal reimbursement rates.
(These rates can be found in 41 CFR 301-304.)

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

$21,550.00

(Twenty One Thousand Five Hundred and Fifty Dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. Orginal receipts for all expenses must accompany each invoice for reimbursement. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

can bill monthly if they have invoices

The RCRC is limited under the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.

### B. Final Invoice

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

1. **A. Supersession**

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

2. **B. Privity of Contract**

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

3 **C. Termination**

a 1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

b 2) This contract may be terminated in whole or in part, in writing, by RCRC for it's convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

c 3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for

convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

d 4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

e 5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

f 6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

4. **D. Remedies**

Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

~~Where is "E" Technical Direction and Acceptance~~

5. **F. Audit - Access to Records**

a 1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of

the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

b 2) If this is a formally advertised, competitively awarded, fixed-price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

c 3) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

d 4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

e 5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

f 6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:

1. a) To the extent the records pertain directly to contract performance.

2. b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

3. **c)** If the contract is terminated for default or for convenience

6 **G. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide

established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

7. **H. Gratuities**

a 1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

b 2) In the event this contract is terminated as provided in paragraph 1), the RCRC may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

8. **I. Responsibility of the Contractor**

a 1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

b 2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

c 3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review,

approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

d 4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to the Coalition or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to the Coalition, Coalition-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

e 5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that the Coalition may have against the contractor for faulty materials, equipment, or work.

9. **J. Final Payment**

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

10. **K. ~~Conflict of Interest~~** Organizational Conflict of Interest

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

a 1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

b 2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

c 3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full

disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

d 4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

missing "L" 89.44

11. ~~L~~. **Personal Conflict of Interest**

a 1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

b 2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

c 3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

d 4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

12. **M. Independent Contractor**

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social

Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

13. **N. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government or any other entity.

Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

Reopening final EPA decisions or conducting disputes with EPA.

14. **O. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

15. **P. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signatures**

| | |
|---|---|
| Ken Klco | Date |
| RCRC | Date |

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

November 5, 2002

Rio Colorado Reclamation Committee
Rachel Conn, Program Director
P. O. Box 637
Questa, NM 87556

RE: APPLICATION FOR TECHNICAL ADVISOR POSITION

Dear Ms. Conn,

Thank you for sending me the information regarding the application for Technical Advisor position for the Rio Colorado Reclamation Committee. I hope your selection committee will find my enclosed proposal, resume, and writing sample(s) to their liking. I look forward to hearing from you as soon as you have had the chance to review all applications.

For your committee's information, Azurite, Inc., is a closely held "S" type Colorado Corporation operating since 1994. At present, Azurite's two corporate officers, Janet and Ken Klco, are also the only employees of the company, although Azurite has employed as many as five full time employees over the past five years. Azurite's President, Ken Klco, has twenty-eight years of experience in managing and operating surface and underground mines. For the past twelve years, Klco has operating his own consulting and contracting company, focusing on mined land reclamation permitting and planning, reclamation contracting, mine closure planning and operations, active mine exploration and development, reserve assessments and mine permit development. Azurite's client base includes mining companies large (Georgia- Pacific) and small, family held businesses, government agencies such as Fremont County, community groups such as Citizens for San Luis Valley water, Summitville TAG, and environmental organizations such as Sierra Club and the Mineral Policy Center. Klco has filed legal disposition in at least one court case on behalf of Sierra Club and Mineral Policy Center as expert witness in litigation stemming from Colorado mining companies potential violations' of the Federal Clean Water Act.

I believe that Azurite's varied and considerable work experience with complex technical issues and good working relationships with mining clients, agency personnel, and community organizations can be of great value to your efforts in minimizing and hopefully eliminating dangerous environmental impacts stemming from the Molycorp Mine.

Very Truly Yours,

Kenneth S. Klco
Consulting Geologist

**Azurite, Inc.**
10001 CR 12 P.O. Box 338
Cotopaxi, Colorado 81223
719-942-4178

November 7, 2002

Rio Colorado Reclamation Committee
Rachel Conn, Program Director
P. O. Box 637
Questa, NM 87556

RE: PROPOSAL FOR WORK TO BE PERFORMED AS TECHNICAL ADVISOR

Thank you for sending me a copy of the Statement of Work for Technical Advisor. I have reviewed the Tasks, Timeframes, and Deliverables and find them to be reasonable projections of the work to be done and their associated schedules. Having been involved in Superfund process as a Technical Advisor for the Summitville TAG since 1994, I have an appreciation for the patience and flexibility necessary to see this process through fruition. At times, this process can be a bit overwhelming to those not familiar with the reams of paper, data sets, numerous acronyms, and just plain volume of information dropped in the lap of the community at risk. It is hoped that this is where Azurite can be of service to the Rio Colorado community.

I wish to present my proposal as a billing rate per hour, office and field work alike, with a daily maximum rate that would cap labor charges on days that involve travel coupled with field and or meeting time. Due to the distances involved, car travel can easily add six to eight hours to a normal workday schedule. Presently, Azurite principal labor rates are billed at $70.00/ hour office and field work, portal to portal, with a maximum daily rate of $700.00. For the purpose of this contract only, Azurite proposes a billing rate of $50.00/hour, office and field rate, with a daily maximum rate charge of $500.00/day. In addition, travel time will be billed at one half the normal labor rate or less in the case of daily rate charges. Expenses will be billed in accordance with EPA standards for mileage, lodging, and per diem. It appears from the scope of the work that two to three days per month will be spent in the field or site based meetings early on with less per month as work proceeds. During the first several months of the contract, Azurite will prioritize up to five days per month in the field, if necessary, to allow ample time to get up to speed and familiarize myself with the site.

I am including a March 13, 2000 report regarding a RIF document as a sample of my writing.

Thank you for the opportunity to be of service to the Rio Colorado Community.

Very Truly Yours,

Kenneth S. Klco
Consulting Geologist
Azurite, Inc.

Resume and Personal Information

Kenneth S. Klco
Born: November 26, 1950, Mentor, Ohio
Graduated Perry High School 1968, Perry, Ohio
BS Geology, emphasis Geochemistry, 1974 Bowling Green State University, Bowling Green, Ohio, Dept. Geology outstanding undergrad, 1974

Married 28 years, Janet Gail Klco
Two children, Chanda, 25, Colorado College Graduate 1999
Gordon, 16, sophomore @ Cotopaxi High School

Work History
1974 USGS field geologist, UP Michigan
1974-1980, Flintkote Company, Quarry Supt., Coaldale Quarry, Coaldale, CO
1980-1990, Genstar Gypsum Products Company, Domtar Gypsum, Mine Manager, Coaldale, CO. Responsible for all facets of 1M ton surface mine operation, 12-20 employees. Worked alone as only salaried employee responsible for hiring, labor negotiations, training, quality, budgets, operations, capital expenditures, exploration, reclamation.
Accomplishments: Sixteen years with no lost time accidents over more than 400,000 man hours, 1987 received Colorado Governor's Award for Mined Land Reclamation Excellence and Genstar President's Award for recognition of Safety and Reclamation performance. Developed and implemented techniques for land stabilization and reclamation of mined lands and wildlife habitat restoration.
1976-present—advisory committee member, Colorado Mountain College Environmental Technology Program, now Natural Resource Management Institute, Leadville, CO. Helped develop land and water curriculum for what has become a premier program in the Western US for environmental professionals.
1989-received US Patent for developing a process of road dust suppression and stabilization using common earth materials.
1988-1993- served on Fremont RE-3 School Board, Director
1991-VP and General Manager, Colorado Quarries, Canon City, CO. Managed business operations for a mining company covering 20 pits in six counties.
1992-present-Consulting Geologist and principal, Azurite, Inc., a closely held consulting and contracting company serving corporations, small mining companies, government agencies, private individuals, and community groups. Azurite, Inc., has performed a diverse number of tasks for clients including mining operations management, mine resource assessment and evaluation, property management, mined land reclamation projects, mine and reclamation planning and permit development, mining and reclamation permit acquisitions, various types of lease development and negotiation, technical assistance to communities affected by Superfund (Summitville Superfund Site, 1994-present), extensive work involved in Federal Mining Act of 1872 concerning mining claims in Colorado, Arizona, and Nevada, investigations concerning environmental impacts of mining operations on water quality and watershed impacts in Teller and Fremont Counties. Azurite has represented both mining companies and

community groups affected by mining in public and private hearings before the Colorado Mined Land Reclamation Board, State Land Board, Colorado Dept. of Health and Environment, The Federal Securities and Exchange Commission, various County Commissioners' meetings and hearings, County Planning and Zoning Commissions, and numerous public citizens meetings. Azurite has successfully interfaced with numerous Federal, State, and Local government agencies and has instrumented a number of leases from ROW to mineral lease contracts with private citizens, city, state, and federal government agencies. Azurite has acted as legal agent and project manager for organizations such as Fremont County, Georgia Pacific Gypsum Corporation, and James Hardie Gypsum involving mineral development and mined land reclamation projects of considerable dollar expenditures. However, some of the most challenging and rewarding work to date has been my involvement with the Technical Assistance Group, Summitville Superfund, involving the San Luis Valley communities. Through many long evening and late night public and private meetings with local citizens, I have gained some interesting perspectives to the processes and potentials of community based vision and tenacity.

Personnel References

Pete Moller, Professor, Colorado Mountain College (retired), Leadville, CO
719-486-3480, known for 26 yrs

Ignacio Rodriguez, TAG/Summitville Chairman, La Jara, CO, 719-274-5661
Known for 8 yrs

Alan Miller and Maya ter Kuile, farmer and teacher, La Jara, CO

Keith McNew, Fremont County Commissioner, Coaldale, CO, 719-942-4451, known for 27 yrs

Chuck Thompson, President, Colorado Boy's Ranch Foundation, La Junta, CO, 719-384-5981, known for 2 yrs.

NTE $5,000

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# Grant Administrator Contract

This contract is entered into this (date) of, by and between the Rio Colorado Reclamation Committee (hereafter referred to as "RCRC" ) and Patrick Nicholson (hereafter referred to as "contractor").

## I. SCOPE OF CONTRACT

The contractor agrees to perform the following services:

### A. Purpose:

The Rio Colorado Reclamation Committee is entering into this contract with Patrick Nicholson who will provide the services of a grant administrator. The grant administrator will assist RCRC members in administering the Technical Assistance Grant ID # 1-98687101-0 from the Federal Environmental Protection Agency. The administrator will help members fulfill the reporting requirements for the TAG.

### B. Contractual Period and General Statement of Duties:

why only 21 months

This contract will cover an 21 month period. This contract may be renewed, at the option of the RCRC, after the initial contract period for additional one- to three-year contract periods as long as the cleanup continues, but it is not to exceed ten years. If the RCRC desires to exercise its option to extend the contract, it shall provide written notice to the contractor no later than 60 days prior to the expiration of the present term.

The contractor will perform the following tasks during the initial contractual period, beginning the first quarter of 2003.

### C. Specific Contractor Tasks:

Time allocation: 210 hours (30 hours a quarter)

a. The contractor will keep track of in-kind contributions, track expenses,.
b. Submit monthly to quarterly reimbursement requests to the EPA.
c. Submit quarterly progress reports to the EPA.
d. Assist with the writing and editing of RCRCs quarterly newsletter.

## II. PAYMENT

? ok

A. The RCRC shall compensate the contractor for the services outlined in this contract at a rate of 20 dollars per labor hour which shall include overhead, general and administrative costs, and any allowed fee or profit.

No hourly rate stated in actual contract. (See resume attached. Suggested rate $20/hr, Total $5,000.

**B.** Reimbursement for Other Direct Costs, not to exceed $800.~~000~~, shall be at the following rates: ?

| | |
|---|---|
| 1. Telephone expenses | at cost |
| 2. Postage | at cost |
| 3. Stationery | at cost |
| 4. Secretarial | at cost |
| 5. Copying, printing | at cost |
| 6. Other expenses (graphics, for example) | at cost |

**C.** Overall maximum payment for the contract, including any reimbursement authorized in (A) and (B) above, shall not exceed:

5,000 * see attached resume $30/hr

(Five Thousand Dollars)

Payment shall be made on a basis in accordance with provision III (A) of this contract.

**D.** In no event shall the contractor be reimbursed for holidays, sick days, or time other than that actually spent providing the services.

## III. METHOD OF PAYMENT

### A. Standard Invoice System:

Monthly, the contractor shall submit time sheets and corresponding invoices to: Roberto Vigil, RCRC President, for services performed during the calendar month that ended. Time sheets must indicate the hours charged on a daily basis (even if zero) and indicate travel expenses corresponding to the days the charges were incurred. Invoices must clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. If the invoices are approved, RCRC agrees to make

what travel?

clearly show the total hours charged for the month, rate and total cost, and specify the total charge for that month for each of the "Other Direct Cost" categories specified in provision II (B) of this contract. If the invoices are approved, RCRC agrees to make responsible efforts to process payments promptly in accordance with the provisions of 40 CFR Part 33.

The RCRC is limited under the Technical Assistance Grant (TAG) Program to reimbursement on a quarterly basis for total costs under $500 and on a monthly basis if costs exceed $500. Thus, contractor payment is also subject to this payment schedule.
recommend billing monthly for reimbursement

**B. Final Invoice**

The RCRC retains the right to withhold up to 10% of the total contract value pending closeout of this contract. Final payment shall be made in accordance with Article V.9.

## IV. FUNDING AND FISCAL APPROPRIATIONS

Obligations for expenditures by EPA for TAGs will be approved for entire budget periods. The obligation of the RCRC to renew this contract may be subject to the availability of EPA appropriations.

## V. GENERAL CLAUSES

**A. Supersession**

The RCRC and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this contract and that these clauses supersede any conflicting provisions of this contract.

**B. Privity of Contract**

This contract is expected to be funded in part with funds from the U.S. EPA. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any lower tier contract. This contract is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

**C. Termination**

1) This contract may be terminated in whole or in part, in writing, by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt

requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

2) This contract may be terminated in whole or in part, in writing, by the RCRC for its convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

3) If termination for default is effected by the RCRC an equitable adjustment in the price provided for in this contract shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the RCRC because of the contractor's default. If termination for default is effected by the contractor, or if termination for convenience is effected by the RCRC, the equitable adjustment shall include a reasonable profit for services or other work performed.

   The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

4) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the RCRC all data, drawings, specifications, reports, estimates, summaries, and other information and materials as may have been accumulated by the contractor in performing this contract, whether completed or in process.

5) Upon termination under paragraphs (a) or (b) above, the RCRC may take over the work and may award another party a contract to complete the work under this contract.

6) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the contract price shall be made as provided in paragraph (c) of this clause.

**D. Remedies**

Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other

matters in question between the RCRC and the contractor arising out of, or relating to, this contract or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State of New Mexico.

where is "E"? skipped a letter numbering is off

**F. Audit - Access to Records**

1) The contractor shall maintain books, records, documents, and other evidence directly pertinent to performance on EPA funded work under this contract in accordance with generally accepted accounting principles and practices consistently applied and 40 CFR Part 30 in effect on the date of execution of this contract.

   The contractor also shall maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated contract or change order and a copy of the cost summary submitted to the recipient. The U.S. Environmental Protection Agency, the Comptroller General of the United States, the U.S. Department of Labor, the RCRC and New Mexico or any of their authorized representatives shall have access to all such books, records, documents, and other evidence for the purpose of inspection, audit, and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

2) If this is a formally advertised, competitively awarded, fixed-price contract, the contractor agrees to make paragraphs (a) through (f) of this clause applicable to all negotiated change orders and contract amendments affecting the contract price. In the case of all other types of prime contracts, the contractor agrees to make paragraphs (a) through (f) applicable to all contracts it awards in excess of $25,000, at any tier, and to make paragraphs (a) through (f) of this clause applicable to all change orders directly related to project performance.

3) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

4) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

5) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records and at a reasonable time for as long as the records are maintained.

6) This right of access clause applies to financial records pertaining to all contracts (except formally advertised, competitively awarded, fixed-price contracts) and all

contract change orders regardless of the type of contract, and all contract amendments regardless of the type of contract. In addition, this right of access applies to all records pertaining to all contracts, contract change orders, and contract amendments:

a) To the extent the records pertain directly to contract performance.

b) If there is any indication that fraud, gross abuse, or corrupt practices may be involved.

c) If the contract is terminated for default or for convenience

**G. Covenant Against Contingent Fee**

The contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the RCRC shall have the right to annul this agreement without liability, or at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, or brokerage or contingent fee.

**H. Gratuities**

1) If the RCRC finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee, or agent of the RCRC, the state, or EPA in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, the RCRC may, by written notice to the contractor, terminate this contract. The RCRC also may pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which the RCRC bases such findings shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

2) In the event this contract is terminated as provided in paragraph 1), the RCRC may pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the RCRC) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

## I. Responsibility of the Contractor

1) The contractor is responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports or other services furnished by the contractor under his/her contract. The contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in the reports and other services.

2) The contractor shall perform the professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

3) The RCRC's or EPA's approval of reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his/her work. Neither the RCRC's nor EPA's review, approval, acceptance, or payment of any of the services shall be construed as a waiver of any rights under this contract or of any cause for action arising out of the performance of this contract.

4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to the Coalition or EPA caused by the contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to the Coalition, Coalition-furnished data, or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that the Coalition may have against the contractor for faulty materials, equipment, or work.

## J. Final Payment

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract, or as a termination settlement under this contract, the contractor shall execute and deliver to the RCRC a release from any future claims against the RCRC set forth in the release. Unless otherwise provided in this contract, by state law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of the RCRC's claims against the contractor under this contract.

**K. Conflict of Interest**

An organizational conflict of interest exists when the nature of the proposed work may result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

1) The contractor warrants, to the best of his/her knowledge and belief, that either there are no relevant facts or circumstances that could give rise to an organizational conflict of interest, or that the contractor has disclosed all such relevant information.

2) Prior to the commencement of any work, the contractor agrees either to notify the RCRC that, to the best of his/her knowledge and belief, no actual, apparent, or potential organizational conflict of interest exists or to identify to the RCRC any actual, apparent, or potential organizational conflict of interest.

3) The contractor agrees that if an actual, apparent, or potential organizational conflict of interest is identified during performance, he/she will immediately make a full disclosure in writing to the RCRC. This disclosure shall include a description of actions that the contractor has taken or proposes to take after consultation with the RCRC to avoid, mitigate, or neutralize the actual, apparent, or potential organizational conflict of interest. The contractor shall continue performance until notified by the RCRC of any contrary action to be taken.

4) The contractor expressly agrees to immediately notify the RCRC by telephone and by letter should he/she enter into any other agreement or contract that would create an actual or potential conflict of interest or violation of the Procurement Integrity Act of 1988. The RCRC may terminate this Agreement for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the contractor was aware, or should have been aware, of a potential hereunder provisions that shall conform substantially to the language of this Agreement.

**L. Personal Conflict of Interest**

1) In addition to the requirements of Article 10, the following provisions with regard to employee personnel performing under this contract shall apply until the earlier of the termination date of the affected employee or the duration of this contract.

2) The contractor agrees to immediately notify the RCRC of any actual, apparent, or potential personal conflict of interest with regard to any employee, subcontractor employee, or consultant working on or having access to information concerning this contract. A personal conflict of interest is defined as a relationship of an employee, subcontractor employee, or consultant with an entity that may impair the objectivity of the employee, subcontractor employee, or consultant in performing the work.

3) The contractor agrees to notify the RCRC prior to incurring costs for that employee's work where an employee may have a personal conflict of interest. In the event that the personal conflict of interest does not become known until after performance on this contract has begun, the contractor shall immediately notify the RCRC of the personal conflict of interest. The contractor shall continue performance of this subcontract until notified by the RCRC of the appropriate action to be taken.

4) The contractor agrees to insert into each subcontract or consulting agreement that he/she enters language that shall conform substantially to this agreement.

**M. Independent Contractor**

The services provided by the contractor are on a professional basis as an independent contractor, determining his/her own manner of performing the work, and shall not be considered an employee of the RCRC within the meaning or the application of any federal, state or local laws or regulations governing Unemployment Insurance, Social Security benefits, Workmen's Compensation, Industrial Accident, Labor, or Taxes. It is likewise understood that the contractor shall not be considered an employee within the meaning or application of the RCRC employee fringe benefit programs for the purposes of vacations, holidays, health benefits, or Employee Retirement Plan. The contractor expressly acknowledges that he/she shall hold the RCRC harmless from any claims by third parties that may be asserted against him/her and deriving in any way from his/her travels, presence or other activities connected with this Agreement.

**N. Ineligible Activities Prohibited**

The services to be provided by the contractor under this contract shall not include any of the following activities:

Serving as a TAG technical advisor at the same site for which the contractor is doing work for the federal or state government or any other entity.

Assisting an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding.

Partisan political activity, including lobbying for any issue or cause, or to further the election or defeat of any candidate for public office.

Generation of new primary data such as well drilling and testing, including split sampling.

*Reopening final* EPA *decisions* or conducting disputes with EPA.

**O. Preparation and Distribution of Informational Materials**

The contractor shall not, without prior review and approval by the RCRC, disclose or release informational materials to the general public, other governmental agencies, businesses, or other legal entities

**P. Record Retention**

All records required under this contract shall be maintained by the contractor during performance on EPA-assisted work under this contract. Such records must clearly detail acquisitions, work progress, reports, expenditures, and commitments indicating their relationship to established costs and schedules. These records shall be retained for at least ten years from close-out of the contract, unless audit, litigation, cost recovery, and/or any disputes are initiated before the end of the ten-year retention period. Prior written approval shall be obtained from the RCRC before any records may be destroyed after the record retention period.

**Acceptance Signatures**

| | |
|---|---|
| Patrick Nicholson | Date |
| RCRC | Date |

Patrick Nicholson
6459 NDCBU
Taos, NM 87571

October 26, 2002

Rachel Conn
Program Director
Rio Colorado Reclamation Committee
P.O. Box 637
Questa, NM 57556

Dear Ms. Conn,

I am pleased to apply for the position of Grant Administrator for the Rio Colorado Reclamation Committee. My resume is enclosed as requested.

In my current position as Reporting and Evaluation Coordinator for Rocky Mountain Youth Corps (RMYC), I perform essentially the same duties indicated in the position description. I coordinate and administer many of RMYC's grant requirements. It is my responsibility to track and report on all aspects of programming and to insure timely submittal to private and government funders. I am very detailed oriented and organized and have successfully created a system of data collection and tracking for RMYC's multiple programs and over 100 employees.

I am a young man with a growing family with a keen interest in protecting the natural resource base and environment of northern New Mexico. I am excited about the possibility to apply my talents and experience in this effort for environmental justice and to become more involved and engaged with local environmental matters.

As our family puts down roots in the area, my civic and community involvement continues to grow. I am currently serving on the Anansi Charter School Governance Board as Vice-President and as a member of the Town of Taos Parks and Recreation Citizen's Advisory Committee. In the past year, I have also participated in the Taos Plaza Revitalization Project as a group facilitator during its Community Forum.

I can be reached at (505) 751-3063 and would welcome any questions regarding my qualifications and interest in the Grant Administrator position. I look forward to serving the Rio Colorado Reclamation Committee.

Thank you for your time and consideration.

Sincerely,

Patrick Nicholson

**Patrick D. Nicholson**
6459 NDCBU
Taos, New Mexico 87571
(505) 751-3063
elgaucho@laplaza.org

**Qualifications Summary:** Eight years professional experience and five years environmental experience concentrating in community outreach, fieldwork, project development, and public education overseas and in the U.S. Background includes training in program design and evaluation, statistical analysis, and urban and environmental policy and planning.

## Education:

**Master of Arts in Urban Affairs.** June, 1998
Concentration in Environmental Policy and Planning.
Virginia Polytechnic Institute and State University, Blacksburg, Virginia.

**Bachelor of Arts in Environmental Studies & History.** May, 1990
University of Wisconsin-Madison, Madison, Wisconsin.

## Professional Experience:

**Reporting & Evaluation Coordinator,** Rocky Mountain Youth Corps, Taos, New Mexico. 3/01-present
- Report on all aspects of programming and organizational development to private and government funders.
- Evaluate and assess program impact and effectiveness through multiple survey tools and statistical analysis.

**Research Analyst,** Lee Wilson & Associates, Inc., Albuquerque, New Mexico. 11/99-5/00
- Influenced decision-makers through research and analysis of the impact to watersheds of development and environmental regulations.
- Managed and interpreted hydrologic data to produce written reports, spreadsheets, and graphs.

**Program & Education Coordinator,** Tree New Mexico, Albuquerque, New Mexico. 10/98-10/99
- Designed and coordinated 25 vegetative restoration projects in collaboration with public agencies, non-profits, and other partner groups.
- Supervised interns and volunteers during education and planting events.
- Taught 1,200 students environmental awareness and urban forestry.
- Coordinated the GPS/GIS urban tree inventory program for New Mexico's State Forestry Department.

**Recruiter,** Peace Corps, Blacksburg, Virginia. 4/96-6/98
- Managed and coordinated local Peace Corps office activities.
- Recruited, interviewed, and evaluated over 100 applicants.
- Gave over 40 presentations to diverse student and community audiences.
- Collaborated with the main office on recruitment strategy and promotion.

**Policy Intern,** President's Council on Sustainable Development, White House Washington, D.C. 5/97-8/97
- Researched and drafted policy briefs on brownfields redevelopment and eco-industrial parks.
- Provided administrative and logistical support for the Council's policy and planning meetings.
- Responded to public inquiries for information on the progress of the Council.

Pre-loader, United Parcel Service, Milwaukee, Wisconsin. 11/95-12/95
Assistant Manager, Hubbard's Motel & Pier, Sister Bay, Wisconsin. 5/95-10/95

**Environmental Planner,** Municipal Office of Environmental Planning, Colonia, Uruguay/Peace Corps. 2/94-1/95

- Designed and coordinated a management study of an endangered ecosystem involving the national university, government agencies, rural landowners, and elected city officials.
- Spearhead the drive to transform unused city property into a 64-acre community park.

**Environmental Educator,** Public School District Office, Florida, Uruguay/Peace Corps. 3/93-12/93

- Taught environmental education classes in 16 public schools to a total of 450 students.
- Developed and improved the environmental education curriculum for the school district.
- Presented environmental education workshops to 240 teachers from 115 schools.
- Guided the start-up of a for-profit tree nursery at a local orphanage for 17 boys aged 8-16.

**Community Organizer,** Ecological Movement of Bella Union, Uruguay/Peace Corps. 12/91-2/93

- Organized and facilitated public meetings.
- Designed and developed a municipal urban forestry program.
- Established a community environmental organization of 23 members.
- Launched a weekly local radio program on environmental ideas and issues.

**Resource Assistant,** U.S. Fish & Wildlife Service, McAllen, Texas. 4/91-6/91

- Wrote the preliminary management plan for 82 acres of refuge land.
- Collaborated in the restoration of native trees throughout the lower Rio Grande Valley.
- Assisted in the operation and supervision of volunteers in the refuge's tree nursery of 12,000 seedlings.
- Evaluated and improved botanical survey of native plants on the refuge.

**Project Assistant,** Mariah Associates, Inc., Albuquerque, New Mexico. 7/90-10/90; 7/91-8/91

- Performed archeological surveys and excavations of Native American and early European sites.
- Researched and wrote the cultural impact section of environmental assessments for oil and gas pipeline projects.
- Conducted endangered species surveys and mapped habitat in forested mountainous terrain.

**Project Assistant,** Cultural Survival, Inc., Cambridge, Massachusetts. 1/91-3/91

- Researched and drafted newsletter articles on the culture, history, and current status of indigenous peoples in the Americas.
- Provided general office support and staffed community outreach events.

## Skills/Achievements:

Fluent in Spanish (Superior level, ACTFEL).

Training in Global Positioning System (GPS) and Geographic Information Systems (GIS).

Proficient in Macintosh and IBM compatible PCs: Windows 95, 98, & ME, Windows NT, MS Office 2000 software including Word, Excel, and Access.

Awarded scholarship and selected outstanding second year graduate student by Virginia Tech Urban Affairs Department Faculty.

Presidential Management Intern semi-finalist.

Peace Corps Representative at the Earth Summit sponsored by the United Nations Conference on Sustainable Development & the Environment, Rio de Janeiro, Brazil. June, 1992

Grant Administrator Interview Questions
Rio Colorado Reclamation Committee

Name of applicant **Patrick Nicholson** Date of Interview **11/5/02**

Have you ever administered any kind of grants? Any federal grants?
**Yes. He joint administers several grants. He has the primary responsibility of reporting and tracking a Americorp Federal grant of $500,000 in his present job with Rocky Mountain Youth Corps. He helps administer numerous smaller federal grants and numerous state grants.**

What kind of book keeping skills do you have?
**He feels that he is skilled in that area. He presently keeps track of all the in-kind documentation for the Youth Corp.**

Are you able to work from home?
**Yes**

Have you ever worked on an administrative level for a non-profit organization?
**Yes- Rocky Mountain Youth Corps. He also worked on the President's counsel on Sustainable Development. When he was in the Peace Corps he helped launch a 501 c 3 in another country. He worked for a non-profit in Albuquerque where he was one of 3 staff- they all did everything.**

Have you ever worked for the mine?
**No**

What are your views on the environment in general, and on the Molycorp mine and its impact on the area in particular?
**He is committed to the environmental movement. He believes that it is essential to maintain a healthy environment. He feels that it is important to have a resource base that can be depended upon. He reads about the what goes at the mine in the paper. He has seen the impact by driving by.**

Do you believe you will be able to perform the work outlined in the request for applications letter in 25 hours a quarter?
**Yes- but he would like to know some more details. Sometimes things take more time than anticipated.**

~~How m~~uch an hour would you charge to perform the tasks outlined in the application letter?
**20/hr**