From: Sheldrake, Beth
To: ltyler@sbtribes.com
Cc: Albright, Rick; Williams, Jonathan; Boyd, Andrew; Cohen, Lori; Koslow, Karin; Chase, JoAnn; McLerran, Dennis; Binder, Jonathan; Jill Grant (jgrant@jillgrantlaw.com); Briggs, Dianne; Ingram, Paige; Rodia, Monica; Silver, Edna; Woods, Jim; Debra Lekanof; Allene Cabillo; FHBC; Landuse; susanh@ida.net; Randy"L Teton; Randy A Thompson; Marge Edmo; mark@echohawk.com; paulechohawk@gmail.com; Jill Grant; jmears@oneidanation.org; Billy Maines; stephenbetsitty@navajo-nsn.gov; Bruce Olenick
Subject: RE: Smoking phos on slag pile
Date: Tuesday, October 14, 2014 12:51:57 PM

Mr. Tyler –

I have been asked to respond to your concerns below as well as others expressed recently by representatives of the Shoshone-Bannock Tribes related to the ongoing work at the former FMC facility.

As you are aware, FMC began earth moving work at the former FMC facility on September 27, 2014. This work is being conducted under EPA oversight and pursuant to EPA-approved remedial design and remedial action work plans which were develop by FMC in compliance with a Unilateral Administrative Order (UAO) issued by EPA in June 2013. The Tribes provided technical input on drafts of these documents prior to EPA approval and we continue to welcome the Tribes' input on any and all such documents and work plans developed pursuant to the UAO. The UAO and approved work plans are consistent with the Interim Record of Decision Amendment (IRODA) issued by EPA in September 2012. EPA consulted with the Shoshone-Bannock Tribes on a Government-to-Government basis prior to issuing both the IRODA and UAO.

The IRODA is supported by an extensive Administrative Record including the 2010 Supplemental Feasibility Study (SFS) which discusses the grading of the slag and the use of crushed slag as part of the cap materials, specifically in the capillary break for the evapotranspiration (ET) caps. The section of the SFS on *Implementability* states that "sources of soil and crushed slag are available on-site for cap construction." The preliminary cap design in Appendix D includes figures showing the "Anticipated ET Cap Design" and specifically identifies the capillary break material as slag and further states, "A 1-foot think layer of course crushed rock (slag or gravel) has been shown to be sufficient to serve as a capillary break." Also, the "Key Assumptions" underlying the costs related to the selected alternative (Alternative 3) states "All fill for grading and capillary break will be obtained onsite from crushed slag sources." The Proposed Plan which was issued for public comment and upon which EPA consulted with the Shoshone-Bannock Tribes states in the section on *Implementability*, "Sources of clean soil and crushed slag are available on site for cap construction." As was articulated in the Proposed Plan and IRODA, all areas of soil contamination (slag, phosphorous, metals, and other contaminants of concern) at the FMC Operable Unit will be addressed by the placement of engineered "gamma" or evapotranspiration caps. The location and type of engineered caps to protect human health and the environment from the contaminants of concern at the FMC OU has not changed from the conceptual design outlined in the SFS, Proposed Plan and IRODA.

As is typical as remediation plans move from the conceptual stage in Feasibility Studies and Records of Decision to detailed engineering designs, the specific gradation or size requirements for the crushed slag in the capillary break have now been determined. FMC's contractor has evaluated the slag on site and identified a need to implement a screening and crushing operation to achieve the

required design specifications. Per the Federal Air Rule for Indian Reservations in Idaho, Oregon, and Washington set forth in 40 CFR Part 49 (FARR 2005) and as required by the approved remedial design and remedial action documents, the proposed initiation of this activity necessitates a revision to the Dust Control and Air Monitoring Plan (DCAMP) to address this new potential source of particulate emissions. Accordingly, EPA and the Tribes are currently reviewing the proposed DCAMP revisions received on October 5th to ensure they are consistent with the overall approved DCAMP and thus protective of human health and the environment. It is my understanding EPA asked for the Tribes' comments on the revised DCAMP on or before October 17, 2014, and those comments, along with EPA's and Idaho Department of Environmental Quality's, will be sent to FMC to be addressed in a subsequent revision to the DCAMP. Only after EPA's approval of the revised DCAMP will the screening and crushing operation be allowed to commence.

During earth moving activities necessary to prepare for soil "gamma" and evapotranspiration cap construction, FMC's construction contractor has encountered several areas with phosphorus (P4) residue. This material is ignitable and reactive when exposed to air. Incidental encounters with this type of material was not unexpected and in fact, as part of the Remedial Action Work Plan EPA directed FMC to develop an Emergency Response Plan to address just such potential encounters. The Emergency Response Plan has been activated each time phosphorus residue has been encountered and according to EPA's oversight contractor who is on site observing the work, FMC's contractors have acted appropriately and in accordance with the approved Plan. The Emergency Response Plan calls for the activation of a specialty contractor, KaseWarbonnet, who responds to the area, covers the material with wet sand or other appropriate material, and segregates it so work in the area may continue. EPA has directed FMC to develop a plan for further handling of the phosphorus-containing materials encountered during grading operations which must be reviewed and approved by EPA. Like all documents associated with the FMC cleanup up, the Tribes will have an opportunity to review these plans and provide input to EPA. Strict health and safety protocols are also being adhered to during all activities and no detections of toxic gases from the phosphorus material have been documented anywhere within the work area.

Tribal staff with proper health and safety training are welcome to observe any onsite activities and EPA's oversight contractor is in direct daily communication with Kelly Wright, of your staff, regarding all field activities. This past Friday (Oct 10, 2014), EPA's Remedial Project Manager, Jonathan Williams, met with Kelly Wright and Susan Hanson at the site and discussed the ongoing work, including the incidental encounters with phosphorus contamination and the procedures in place to ensure work is conducted safely and in a manner protective of both workers and the surrounding community. Jonathan Williams will be on site again this Friday, October 17th.

I would like to encourage you, other members of the Fort Hall Business Council, and/or Tribal staff to reach out directly to Jonathan Williams if you have questions or concerns about the ongoing work. If Jonathan is unavailable, you are welcome to reach out to me as well. We are in the best position to know the current status of onsite activities and thus better able to answer your questions in a timely manner. Our email addresses are below;

Williams.jonathan@epa.gov
Sheldrake.beth@epa.gov

EPA is committed to continue to work closely with the Shoshone-Bannock Tribes to ensure the FMC Operable Unit remedial action is implemented in a safe and protective manner and in accordance with IRODA, UAO and approved engineering design and remedial action work plans.

Sincerely,

Beth Sheldrake

Beth Sheldrake | **Unit Manager**
U.S. Environmental Protection Agency | Region 10
Office of Environmental Cleanup
Superfund Site Cleanup Unit #1
p: 206.553.0220 | **c: 206.890-1827** | sheldrake.beth@epa.gov

From: Lee Juan Tyler <ltyler@sbtribes.com>
Date: October 10, 2014 at 7:58:50 AM PDT
To: Debra Lekanof <dlekanoff@swinomish.nsn.us>, "mclerran.dennis@epa.gov" <mclerran.dennis@epa.gov>, "mcarthy.gina@epa.gov" <mcarthy.gina@epa.gov>, EPA Johnathan Binder <Binder.Jonathan@epa.gov>, Allene Cabillo <acabillo@yahoo.com>, Dianne Briggs <Briggs.Dianne@epamail.epa.gov>, "Joanne Chase" <Chase.JoAnn@epamail.epa.gov>, Rick Eichstaedt <ricke@cforjustice.org>, Jill Grant <JGrant@NordhausLaw.com>, Paige Ingram <Ingram.Paige@epamail.epa.gov>, "mcclarrrandennes@epamail.epa.gov" <mcclarrrandennes@epamail.epa.gov>, "Rodia.Monica@epamail.epa.gov" <Rodia.Monica@epamail.epa.gov>, Edna Silver <silver.edna@epamail.epa.gov>, "woods.jim@epa.gov" <woods.jim@epa.gov>, Bill Bacon <bbacon@sbtribes.com>, Paul EchoHawk <paulechohawk@gmail.com>, Jill Grant <jgrant@jillgrantlaw.com>, Jeff Mears <JMEARS@oneidanation.org>, Billy Maines <billy@curyungtribe.com>, stephenbetsitty <stephenbetsitty@navajo-nsn.gov>, Karin Koslow <Koslow.Karin@epamail.epa.gov>
Cc: FHBC <FHBC@sbtribes.com>, Landuse <Landuse@sbtribes.com>, Susan Hanson <susanh@ida.net>, Randy'L Teton <rteton@sbtribes.com>, "Randy A Thompson (Randy.Thompson@bia.gov)" <Randy.Thompson@bia.gov>, Marge Edmo <marge.edmo@bia.gov>, Mark EchoHawk <mark@echohawk.com>
Subject: Fwd: Smoking phos on slag pile

Hello EPA we need some type of help ASAP! This is a very SAD SITUATION

If our Trustees can't stop the hazardous spreading of this contaminated pollution to cause even more damage to our Sacred Sweet Mother Eart!

Sent from my iPhone

Begin forwarded message:

From: "Susan Hanson" <susanh@ida.net>
To: "Susan E Mail" <Susanh@ida.net>, "Kelly Wright" <kwright@sbtribes.com>, "FHBC" <FHBC@sbtribes.com>, "Tony Galloway" <tgalloway@sbtribes.com>, "Ladd R. Edmo" <lredmo@sbtribes.com>, "Casper Appenay" <cappenay@sbtribes.com>
Subject: Smoking phos on slag pile

1 of 13 smoking phos areas on slag pile
Susan Hanson