From:	Williams, Jonathan
To:	Dossett, Donald
Cc:	Todd, Bill; Sheldrake, Beth; McDonnell, Kimberlee
Subject:	RE: Crushing Operation for FMC Remediation
Date:	Tuesday, December 02, 2014 4:18:54 PM
Attachments:	2014-10-03 FMC RAWP Appendix C - Dust Control and Air Monitoring Plan - Rev 1 0.pdf Letter to Nathan Small.pdf Attachment.pdf

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Thanks for the voicemail this morning in response to my voicemail of November 24. I trust you enjoyed having the Thanksgiving week off work.

I would appreciate you asking one of your staff to review the proposed revisions to the attached Dust Control and Air Monitoring Plan (DCAMP) which are shown in yellow on the attachment. I have provided some contextual information below to help focus this additional review effort.

I am not aware of any substantive requirements under the Clean Air Act (CAA) beyond the Federal Air Regulations for Reservations (FARR). There are no Tribal ARARs under the CAA as stated in the 2012 Interim Record of Decision Amendment (IRODA). Language from the IRODA response to comments section is shown below.

"In any case, to be ARARs, duly promulgated state (or tribal) standards, as set forth in Section 121(d)(2)(A)(ii) of CERCLA must be more stringent than federal standards. The comment states
only that these tribal regulations "adopt many Clean Air Act requirements." Similarly, in the McAllister e-mail, Roger Turner is quoted to say only that they "incorporate many Clean Air Act
standards." The comment above does not state, nor is EPA aware of any claim by the Tribes, that any of its specific standards or requirements are more stringent than federal standards. Therefore, also for this reason, these tribal standards are not ARARs for this remedial action."

Kevin Rochlin, Bill Todd, and Booze Allen Hamilton (BAH) reviewed the DCAMP prior to EPA approval September 5, 2014. The proposed revisions to the DCAMP were submitted by FMC October 4, 2014 and provided to the Tribes concurrently by FMC. The revised portions of the DCAMP are to address crushing of slag onsite, which is an option under the Remedial Action Work Plan for Site-Wide Grading Phase work, for use as capillary break material in the evapotranspiration (ET) soil cap. The ET cap is scheduled to be constructed next summer after the site has been graded.

BAH and Bill Todd reviewed the proposed revisions shortly after FMC submitted them, and provided comments to me verbally. I was on site October 10, 2014 and alerted FMC's project coordinator in person about EPA concerns that had been identified. EPA has not yet followed up with written comments on the proposed revisions.

The proposed DCAMP revisions were one of several topics raised in a November 5 teleconference/consultation between EPA's Regional Administrator and the Fort Hall Business Council. Attached is a copy of EPA's November 13 follow-up letter and attachment sent with the letter.

Thanks again for offering to provide an additional internal technical review to the proposed DCAMP revisions. Please call me if you have questions.

Jonathan Williams, LHG
Remedial Project Manager
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, ECL-111
Seattle, WA 98101

Telephone: (206) 553-1369
E-mail: williams.jonathan@epa.gov

From: Dossett, Donald
Sent: Thursday, November 20, 2014 2:53 PM
To: Williams, Jonathan
Subject: FW: Crushing Operation for FMC Remediation

Hi Jonathan. As you can see from the email chain below, the Sho-Ban Tribe's Air Quality Program Manager (Penny Weymiller) is contacting me regarding their concerns/questions on the substantive requirements of any applicable air permits for this activity. In the past, we have received requests from the RPM for assistance before assigning air permitting staff to review this activity for air quality permitting requirements. Are you requesting for us to do that at this time? I'll wait to hear back from you before we do any work, but I will reply to Penney that I've contacted you. Let me know. Thanks, Jonathan.

_____

Donald A. Dossett, P.E.
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From: Penny Weymiller [mailto:pweymiller@sbtribes.com]
Sent: Thursday, November 13, 2014 2:01 PM
To: Dossett, Donald
Cc: McGown, Michael; Todd, Bill; Kelly Wright; susanh@ida.net; lhowell@sbtribes.com; sbaldwin@sbtribes.com
Subject: FW: Crushing Operation for FMC Remediation

Hi Don,
Bill said he spoke with you about the FMC remediation project and you would make sure it received the proper review for permit requirements. Tribal Air Quality appreciates your attention to this matter very much. We understands that, as a CERCLA project, the FMC remediation is not required

to have a permit but is required to meet the substantive requirements of any and all applicable permit programs.

This project is ongoing for several years but the grading phase is happening now and dust generation is a frequent event. FMC also plans to subcontract to a rock crusher to crush slag onsite. The Shoshone Bannock Tribes are concerned about the hazardous and radiological constituents (the COCs) in the slag, the risk assessment based on 20+ year old air monitoring data from when the plant was in operation, and the lack of air monitoring for COCs to name a few.

The Remediation Manager is Jonathan Williams, who replaced Kevin Rochlin several months ago. If you have any questions or need me to send you a copy of the Dust Control and Air Monitoring Plan please let me know; I am assuming if you get it from Jonathan you'll be sure to get the most up-to-date copy.

Thanks again Don,
Penny

Penny Weymiller

Air Quality Program Manager

Shoshone-Bannock Tribes

P.O. Box 306

Fort Hall, Idaho 83203

208-478-3853 Phone

208-478-4083 Fax

From: Penny Weymiller
Sent: Thursday, November 13, 2014 1:54 PM
To: 'McGown, Michael'
Cc: Todd, Bill
Subject: RE: Crushing Operation for FMC Remediation

Thanks Mike
On our 11 am call Jonathan said Bill reviewed the documents for compliance with air requirements…….. I told him Bill would have only done it for the FARR, not permitting requirements. I'm so tired of getting the run-around.

Penny Weymiller

Air Quality Program Manager

Shoshone-Bannock Tribes

P.O. Box 306

Fort Hall, Idaho 83203

208-478-3853 Phone

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From: McGown, Michael [mailto:McGown.Michael@epa.gov]

Sent: Thursday, November 13, 2014 1:51 PM
To: Penny Weymiller
Cc: Todd, Bill
Subject: RE: Crushing Operation for FMC Remediation

Penny,

Bill and I just chatted about this. Bill is talking with the permit manager in Seattle to get answers to your question. Bill and I will keep you posted.

Mike McGown
Idaho Operations Office
EPA Region 10
950 W. Bannock Street
Boise, ID 83702
(208)-378-5764

From: Penny Weymiller [mailto:pweymiller@sbtribes.com]
Sent: Thursday, November 13, 2014 12:17 PM
To: Nair, Pat; Todd, Bill
Cc: lhowell@sbtribes.com; sbaldwin@sbtribes.com; McGown, Michael
Subject: RE: Crushing Operation for FMC Remediation

OK; I'll try this again:

Who within EPA air programs would be responsible for reviewing the documents pertaining to any proposed slag crushing at the FMC remediation activities to ensure compliance with the substantive requirements of:

1. The FARR
2. Any permitting programs, such as Tribal NSR

And, do you know if it has been done?

Thanks

Penny Weymiller
Air Quality Program Manager
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203
208-478-3853 Phone
208-478-4083 Fax

From: Penny Weymiller

Sent: Thursday, November 13, 2014 9:56 AM
To: Nair, Pat (Nair.Pat@epa.gov); Bill Todd
Cc: Lori Howell; Stan Baldwin
Subject: Crushing Operation for FMC Remediation

Bill and Pat,
Has Gale Lim contacted you regarding the requirements they need to meet for crushing slag for the FMC remediation activities?

Thanks
Penny

Penny Weymiller

Air Quality Program Manager

Shoshone-Bannock Tribes

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