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Fort Hall Tribal Business Council
P.O. Box 306, Pima Drive
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Dear Chairman Edmo and Council Members:

Thank you for the February 2015 meeting about FMC Corporation's Pocatello Site and the productive discussion. I look forward to continuing our dialogue.

When I visited the Council chambers earlier this year, there were a number of questions asked. The attachment contains those questions and FMC's answers. Please accept my apologies for taking this long to respond. I hope these answers are helpful to you and your staff. Please contact me anytime to discuss or for follow-up. Thank you for your time.

Yours truly,

Barry J. Crawford
Vice President, Operations

CC: Blaine Edmo, Chairman
Lee Juan Tyler Vice-Chairman
Marcus Coby, Secretary
Mitzi Sabori, Treasurer
Devon Boyer, Sergeant At Arms
Edison Darrell Dixey, Jr.
Donna Bollinger

Questions & Answers:
February 25, 2015 Meeting with Shoshone-Bannock Tribes

1. **Why is access to the Pocatello remediation Site controlled by FMC rather than EPA?**

   The Site is owned by FMC and is subject to federal regulations. EPA's Unilateral Administrative Order (UAO) for the Site remedial action requires FMC to control access to the property.

2. **At the meeting, you asked whether Kira Lynch of EPA once worked for FMC?**

   I have checked and there is no record of Kira Lynch being an FMC employee.

3. **The UAO says there is an imminent health risk; is this true?**

   The UAO does not say that there is an imminent health risk. The UAO states "EPA has determined that the conditions at the FMC OU may constitute an imminent and substantial endangerment to public health or welfare . . . " (emphasis added). FMC is taking the appropriate steps to minimize potential health risks by implementing EPA's remedial action at the site. If there was an imminent health risk, I can assure you FMC would address the risk.

4. **The Tribes reported smoking from Pond 16S, and questioned whether workers are breathing phosphine.**

   You are correct; the ponds can emit phosphine. Because of that, the workers who enter the pond area are required to wear phosphine monitors so they are not exposed to dangerous levels of phosphine. According to monitoring, phosphine does not reach the fence line at detectable levels.

5. **How many pounds of phosphine is the Site emitting per day?**

   FMC estimated 2.6 pounds of phosphine were emitted in total for the entire year of 2013.

   We can assure you that the phosphine does not reach the fence line.

6. **Are Industrial Hygiene monitors appropriate Personal Protective Equipment (PPE) for monitoring emissions from the Site as a whole?**

   Our focus for the monitoring program is immediate detection to protect the health of our workers, and the industrial hygiene monitors are appropriate for that goal.

   Safety is a core value at FMC, and safe work practices have been developed for the Pocatello remedial action work. EPA has reviewed and approved FMC's programs,

and the Occupational Safety and Health Administration (OSHA) has conducted on-Site inspections and found the work practices in compliance with OSHA rules and regulations.

7. **Since dust from slag is being observed, can you provide the science to show that people are not being exposed?**

Monitoring results show that Site workers are not exposed to unacceptable levels of air contaminants. Also, the air monitoring being conducted both within the Site and at the Site boundaries confirms Site emissions do not pose an unacceptable risk to the public.

8. **Is there data to show how fast the contamination is migrating from the site?**

Groundwater contaminants are currently migrating off-site, which is why we will be implementing a groundwater pump-and-treat remedy. The "speed" of migration of contaminated groundwater—for example, how many feet it moves per day—can be estimated, but groundwater flow velocity is not a factor used to evaluate potential risks at a site. The most important factor is the level of contaminants, which are being addressed through a groundwater extraction and treatment system. That system is designed to capture up to 530 gallons per minute, to keep the contamination from migrating off-site.

9. **What is the Land Disposal Restrictions (LDR) system? Why can't FMC use it to treat phosphorus?**

While the plant was still operating, FMC entered into a Consent Decree with EPA. FMC agreed to design and construct a plant to treat phosphorus–containing wastes generated from the production of elemental phosphorus. The "LDR Treatment Plant" was the name given to that project. The original scope of the project was to treat wastes coming out of the back end of the plant and wastes put into a specially-designed pond (Pond 18). During the design of the LDR Treatment plant, FMC realized that dredging and treating solids disposed into Pond 18 would present a greater risk to workers than managing that waste in place. Thus, the Consent Decree was amended to allow for Pond 18 to be capped.

The LDR plant's only function was to treat production waste and the Pocatello plant shut down before the LDR plant was ever operational. The LDR plant was dismantled and removed because there were no longer any production wastes to treat. It was not designed and was never intended to treat elemental phosphorus dispersed in soils.

10. Has FMC reviewed Dr. Marianne Walsh's study?

Yes. FMC has reviewed Dr. Walsh's study, which provides an independent and comprehensive look at technologies to treat elemental phosphorus. Dr. Walsh listed at least 17 patents filed between 1981 and 2005 describing methods for treating phosphorus wastes. Those technologies were tested in a lab and not tested or implemented in the field. Like FMC's LDR plant, those technologies focus on treating process wastes at the point of generation and not phosphorus released in large quantities over wide-spread areas in soil. As Dr. Walsh's study notes, even an attempt to treat wastes on a pilot scale at a plant in Florida resulted in a serious fire, after which the site used capping as the remedy. Dr. Walsh's review of potential technologies has been analyzed, but there is no safe, feasible, and proven way to implement those technologies at this Site.

11. Idaho National Laboratory (INL) has said that slag could be used for other things; is that true?

The use of slag outside the FMC property is prohibited by a voluntary agreement among FMC, Monsanto, and EPA.

12. Why didn't you communicate with us when the ferrophos was being shipped?

We apologize for not communicating this to you prior to now. In the Spring of 2015, the last of the material was shipped off site by the purchaser. The ferrophos is now located at the airport property under the control of the purchaser.

13. Does phosphorus react at less than 40 ° C?

The melting point of phosphorus is 44.1 °C (111.38 °F). Elemental phosphorus in either a solid or liquid form will still react with oxygen.

14. We believe that there is $60M worth of elemental phosphorus in the ground at the Site; is that true?

The current value of the elemental phosphorus in the ground would be approximately $26 million as a marketable product. However, FMC knows of no safe or feasible way to extract elemental phosphorus from the soil.

15. Could the elemental phosphorus be sent to Monsanto for processing?

We believe elemental phosphorus cannot be safely and feasibly extracted from soil, so there is no possibility that the material could be sent to Monsanto for processing.

16. Is FMC willing to experiment with ways to use the elemental phosphorus?

FMC has reviewed and considered how to manage elemental phosphorus in the site soils and has engaged engineers, scientists, and other subject matter experts. All agreed the remedy selected by EPA to leave the phosphorus material in place is the safest and most protective means of managing the material.

17. Can FMC give/get a university to study the use and treatment of phosphorus?

We have had subject matter experts look at alternatives and none has identified a safe and feasible way to remove large amounts of elemental phosphorus from the soil. If someone comes up with a safe and effective way to do this, FMC will consider it.

18. Argonne National Labs has been given the contract for the Special Review; is that true and does FMC know anything about it?

Yes, we are aware that EPA committed to provide an independent review panel of the response action and has selected Argonne National Laboratory to lead that review. We have no further information about this federally-funded program. FMC will review the results of this study when completed, and will work with EPA regarding potential implementation of its findings.

19. What is inside the 21 buried rail cars? Is there a 1982 report about the rail cars?

According to a July 1, 1981, internal FMC memo written by the phosphorus area supervisor, 30 used railcars were purchased to store sludge over a three-year period (1962 – 1964). FMC installed a centrifuge at the plant to facilitate reprocessing the sludge. The 1981 memo indicates most of the sludge was removed from the 30 railcars and reprocessed by the end of 1964. Nine railcars were completely cleaned and scrapped. 21 of them were cleaned and buried because it was not possible to safely remove all of the sludge. It is estimated about 10 to 25% of total sludge capacity remained in the 21 railcars at the time of burial.

20. Was there a picture in the plant lunch room of a buried rail car?

Yes, there was a 1965 aerial photo showing the partially buried rail cars. Over time, the slag pile grew and the railcars were covered with 80 to 120 feet of slag, meaning that the railcars are now entombed within the slag pile.

21. Are moles eating into rubber lining under the ponds?

FMC performs monitoring and pest control to eradicate rodents (i.e., mice and voles) and gophers from the pond caps. In 2011, a gopher infestation was discovered at Pond 18A which required repair of the cap soil layer. However, there was no indication the gopher holes extended deep enough to reach the cap HDPE liner.

22. Is information provided to new residents in proximity to the Site?

Thank you for pointing this out. We are working on options for a more active system to provide information to new and current residents on the Reservation. Information is currently provided to the public at www.fmcpocatello.com. The EPA website provides information at http://yosemite.epa.gov/r10/cleanup.nsf/sites/emichaud. FMC also periodically provides updates on Site remediation activities by publishing advertisements in the Idaho State Journal, Power County Press, and Sho-Ban News.

23. Are the ponds a deterrent to redevelopment?

FMC's experience at other sites (including the Front Royal Site in Virginia) is that a contaminated site can be remediated and used productively, including commercial/industrial uses, while also sustaining wildlife habitat. We think there are several areas that could be redeveloped, and we would like to discuss that with you. Even the RCRA ponds themselves could be used for passive development, such as placement of solar panels, without impinging on the pond caps. This approach has been used successfully throughout the United States to redevelop property to benefit the local community. We are currently in negotiations with a prospective redeveloper of a portion of the Site that is not on the Reservation.

24. Can we visit the Front Royal site?

Yes. Please contact Jonetta Everano, Field Project Manager, at 208-233-4350, and we will make arrangements.

25. Has FMC gone through the proper procedure for a Tribal business license?

This issue is under litigation. I have no comment on this issue.

26. Can we talk with FMC and EPA together?

We are working on arranging a meeting to include FMC, the Tribes, and EPA.

27. Are there other chemicals that we need to be concerned about?

The Supplemental Feasibility Study Report identified Contaminants of Concern (COC) for soil and groundwater at the site. For soil, the COCs are elemental phosphorus, arsenic, cadmium, fluoride, lead-210 and radium-226. For groundwater, the COCs are arsenic, fluoride, manganese, nitrate, elemental phosphorus, selenium, thallium, and vanadium. The EPA remedy is designed to address all of these contaminants.

28. Will you provide us with the well data?

Yes. FMC has always and will continue to share well data with Tribal representatives. Please contact Jonetta Everano, Field Project Manager, 208-233-4350, for that information.

29. Is there a body still buried at the property; if so, can we block off the burial area?

Yes. Human remains were discovered in a remote area of FMC property that is outside the area being remediated. The Tribes, Idaho State University (ISU), and local law enforcement were immediately notified. As I understand, the Tribes reburied the remains in place with no special markings so that the privacy of the deceased was protected. To ensure the safety of the sacred remains in a manner that retains the burial site's privacy, vehicle access to the area has been blocked off.

30. Will FMC tell the Tribes about the types of jobs that will become available at the site?

FMC has instructed is contractors to provide hiring preferences for Native Americans under the federal Civil Rights Act. We will highly encourage future developers to work with and inform the Tribes of future job opportunities.

31. Could you provide contact information for a person with whom we can escalate safety issues?

Yes, Jonetta Everano, Field Project Manager, 208-233-4350.