Message

From: Gerhard, Sasha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=409F48684EB4422CB13177FC9702D0FA-GERHARD, SASHA]
Sent: 11/27/2017 5:11:09 PM
To: Sommer, Tab [Sommer.Tab@epa.gov]
Subject: RE: RCRA Permit Writers' Conference Call (December 5) - request for topics (by November 28) - topic on closure and corrective action on tribal land

Thanks Tab! I will pass along to my team members.

Sasha Gerhard
USEPA, Office of Resource Conservation & Recovery
Program Implementation & Information Division, 5303P
703-879-8501

From: Sommer, Tab
Sent: Monday, November 27, 2017 12:00 PM
To: Gerhard, Sasha <Gerhard.Sasha@epa.gov>
Subject: FW: RCRA Permit Writers' Conference Call (December 5) - request for topics (by November 28) - topic on closure and corrective action on tribal land

FYI

See topic

From: Gaines, Jeff
Sent: Monday, November 27, 2017 10:02 AM
To: Mooney, Charlotte <Mooney.Charlotte@epa.gov>
Cc: Kohler, Amanda <Kohler.Amanda@epa.gov>; Sommer, Tab <Sommer.Tab@epa.gov>; Taylor, Judy <Taylor.Judy@epa.gov>
Subject: FW: RCRA Permit Writers' Conference Call (December 5) - request for topics (by November 28) - topic on closure and corrective action on tribal land

FYI - topic submitted for the pw conference call on Dec 5

Thanks!

Jeff Gaines
Phone: 703-308-8655

*"The most exciting phrase to hear in science, the one that heralds the most discoveries, is not "Eureka!" (I found it!) but '**That's funny.**'" — Isaac Asimov*

"Dulce et Decorum Est Desipere in Loco" — Josiah S. Carberry

From: Anthony C. Leverock [mailto:Leverock.Anthony@azdeq.gov]
Sent: Monday, November 20, 2017 7:50 PM
To: Gaines, Jeff <Gaines.Jeff@epa.gov>
Cc: Terry Baer <Baer.Terry@azdeq.gov>; Thomas.Robin@azdeq.gov
Subject: RE: RCRA Permit Writers' Conference Call (December 5) - request for topics (by November 28)

Jeff –
We have an item for the December 5, conference call:

State's Authority for Closure and corrective action on tribal land
Summary: Has any State agency required the cleanup of groundwater contamination that has migrated offsite from a TSDF onto tribal lands?

Specifics:
A closing OBOD facility, subject to interim status, has had release(s) that have impacted soils and groundwater offsite of the OBOD. Stormwater runoff from the OBOD (and possibly atmospheric deposition from historic OBOD operations) have migrated perchlorate salts and lead to offsite. The perchlorate has also percolated through the soils and contaminated the underlying groundwater. Also, contaminants consisting of perchlorate, TCE, and 1,4-Dioxane have percolated through bedrock under the OBOD itself and have contaminated groundwater. These contaminants have all migrated to tribal land situated adjacent to the facility.

The State agency notified the operator of the TSDF that they must close the facility and address these offsite releases in accordance with 40 CFR 265, Subpart G, including addressing any "post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products (e.g., perchlorate) to the ground or surface waters...". Due to the extent of contamination, the agency believes the groundwater contamination would have to be addressed under the corrective action program. However, the TSDF operator challenged the State's authority, pointing out that the State does not have authority to compel cleanups on tribal land, regardless of the statements in the closure performance standard of 40 CFR 265.111 regarding offsite releases. The State's attorney general has indicated that it agrees with the facility operator that the State lacks such authority to require the cleanup.

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From: Gaines, Jeff [mailto:Gaines.Jeff@epa.gov]
Sent: Thursday, November 16, 2017 1:10 PM
To: Adrianne.White_tn.gov <Adrianne.White@tn.gov>; Albert.Frakes_tn.gov <Albert.Frakes@tn.gov>; Amaro, Laurie <Amaro.Laurie@epa.gov>; amy.potter@dnr.state.ga.us; anca461_ecy.wa.gov <anca461@ecy.wa.gov>; Angela.alonso@deq.virginia.gov; appatel@gw.dec.state.ny.us; April.Webb@ky.gov; Armann, Steve <Armann.Steve@epa.gov>; AWong@dtsc.ca.gov; Bartus, Dave <Bartus.Dave@epa.gov>; bheem.kothur@dep.state.fl.us; bill.fanska_dnr.mo.gov <bill.fanska@dnr.mo.gov>; Blankenship, Melissa <Blankenship.Melissa@epa.gov>; Blough, James <Blough.James@epa.gov>; Bowling, Linda <Bowling.Linda@epa.gov>; brent.luebbe@nebraska.gov; brian.english@deq.idaho.gov; Brogard, John <Brogard.John@epa.gov>; Bud.mccarty@ncdenr.gov; Bud.McCarty@ncmail.net; carrie.jacobson@state.sd.us; Celeste, Laurel <celeste.laurel@epa.gov>; cerickso@nd.gov; charles.w.armstead@wv.gov; Chin, Vivian <Chin.Vivian@epa.gov>; Chow, Emily <Chow.Emily@epa.gov>; Chow, James <chow.james@epa.gov>; Clayton.Bullington_tn.gov <Clayton.Bullington@tn.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>; croob@nd.gov; Crosby-Vega, Terri <Crosby-Vega.Terri@epa.gov>; Dadap, Nathan C. (Seperated 6/25/16) <DADAP.NATHAN@EPA.GOV>; Dale.Burton@ky.gov; Daly, Carl <Daly.Carl@epa.gov>; Daniel.Walker@ky.gov; Dave.Ellis@State.MA.US; david.strasser@state.nm.us; Deabay, Elizabeth <Deabay.Beth@epa.gov>; deb.anderson@state.co.us; doug.knappe@state.co.us; dutch.donlon_la.gov <dutch.donlon@la.gov>; Edward.Nieto_dtsc.ca.gov <Edward.Nieto@dtsc.ca.gov>; Egetter, David <Egetter.David@epa.gov>; evita.lagard@la.gov; Feely, Ken <Feely.Ken@epa.gov>; Finn, Molly <Finn.Molly@epa.gov>;

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Subject: RCRA Permit Writers' Conference Call (December 5) - request for topics (by November 28)

The next permit writers' conference call is scheduled for Tuesday, December 5.

Please submit suggested agenda topics by Tuesday, November 28.

Thanks!

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