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From: Greg Lovato
Sent: Sat 10/14/2017 12:17:19 AM
Subject: Anaconda - Prep for Anaconda Monday call
Comparison Timetable.docx
2010 to 2016 Shallow Zone Uranium Plume Maps.pdf

Greetings,

In advance of our discussion Monday afternoon, NDEP has reviewed the schedule concerns raised by EPA, particularly with respect to Operable Unit (or OU)-1 (Groundwater) and OU-4a (Evaporation Ponds), and has prepared a summary of responses to these concerns below.

NDEP agrees that these OUs are relatively higher priority from an environmental and potential human health risk perspective, compared to other portions of the Site. Groundwater is a high priority because the plume appears to have migrated approximately 1½ miles Off-Property and within approximately 3,000 feet of YPT reservation land. The evaporation ponds appear to be the primary source of contamination that may still be loading and in the future continue to load groundwater, both from the tailings, and from the soil below the tailings, and that uranium and other contaminants may continue to leach from both the tailings and soil into groundwater. The proposed deferral schedule recognizes the higher priority of these northern areas of the Mine Site Property by sequencing the completion of studies, remedy selection and remedial action for these areas prior to southern areas.

NDEP also acknowledges EPA's perspective that the current schedule outlined by EPA targets completion of:

A) remedy selection for the evaporation ponds and groundwater in March 2020, while the deferral schedule proposes remedy selection in 2023, up to 3¾ years later; and

B) remedial action for these areas by March 2022, while the deferral schedule proposes completion in 2028, up to 6½ years later.

However, NDEP believes the deferral schedule is preferable, more realistic and as protective as the current schedule for the following reasons:

1. **Schedule comparison not "apples to apples."** The deferral schedule incorporates the entire northern end of the Mine Site Property as opposed to individual OUs. Under the deferral schedule, the relative placement of remedy features, including final reclamation grades, transportation routes for borrow sources, and stormwater management design at the northern end of the Property will be considered as part of an integrated plan during the feasibility study. Potential remedial components for groundwater and the evaporation ponds range from capping and monitoring to treatment, excavation, evaporation pond, infiltration gallery and tailings repository locations, active pumping, and in-situ technologies. The constructability of these options cannot be evaluated in a vacuum apart from grading and capping plans for immediately adjacent OUs. This more comprehensive evaluation requires an additional 3 years to reach the ROD milestone. Once a phased and integrated remedy plan for the northern end of the Property is developed, we can move more quickly to implement remedial action for priority areas. Said another way, NDEP plans to prioritize remedial action implementation for the evaporation ponds and groundwater at the northern end of the site towards the beginning of the five-year period from 2023 to 2028, reducing the perceived difference to less than 4 years between the 2 schedules.

2. **Northern end of plume not migrating at a rate that differentiates protectiveness of EPA Schedule from deferral schedule.** At the downgradient edge of the plume, concentrations in the plume appear relatively stable. The attached figures depicting the uranium plume from the mine site over 6 years from 2010 to 2016 (most recent data available) do not indicate rapid plume migration at the downgradient edge of the plume and certainly not a rate that would make a significant difference in the timeframe of 4 years.

As discussed previously, groundwater monitoring over the entire extent of OU-1 would be in place, NDEP would retain authority to issue separate enforcement orders to require active groundwater remediation if warranted, and the IAOC includes groundwater interim measure provisions consented to by ARC.

Thank you and we look forward to the discussion on Monday afternoon.

Greg

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