UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

Ms. Laurie Thom, Chairman
Yerington Paiute Tribe
171 Campbell Lane
Yerington, NV 90447

Re: CERCLA NPL Listing of Yerington Mine

Dear Chairman Thom:

Thank you for your May 25 letter in your capacity as Lead Administrative Trustee of the Yerington Mine Natural Resource Trustee Council. I wish to respond to the issues you raised.

a) ***Tolling Agreement or waiver by the responsible party of the statute of limitations for natural resource damage claims:*** We understand from drafts of an agreement between the Council and ARC shared with us by the Nevada Division of Environmental Protection that the parties are very close to an agreement to preserve the natural resource damage claims of all Council members by deeming the statute of limitations to be the same as it would be if the Site were listed on the NPL. EPA supports this approach for resolving the statute of limitations issue.

b) ***Continued consultation with all the Council members and their representatives:*** The draft Deferral Agreement between EPA and NDEP was among the project documents distributed by NDEP to stakeholders, including Council members, on June 14. There is a provision in the draft Deferral Agreement (Section II. E.) which explicitly addresses continued participation by the Trustees in the post-deferral activities at the Site. EPA will consult with the Council and with individual members to ensure that the Council is satisfied with the Deferral Agreement as it speaks to these issues.

c) ***Other considerations peculiar to individual Trustee Council Members:*** EPA is willing and available to consult with other individual Council members on specific issues.

Our Superfund Director, Enrique Manzanilla, will be attending the upcoming June 27 Anaconda Stakeholder Roundtable Meeting in Yerington where further discussions will take place.

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I appreciate the Yerington Paiute Tribe's active engagement as Lead Administrative Trustee and in raising these issues on behalf of the Trustee Council. I hope that this response addresses the concerns you raised and would be pleased to discuss these matters further at your convenience. You can always reach me at (415) 972-3572, or via email: strauss.alexis@epa.gov.

Sincerely yours,

Alexis Strauss 22 June 2017

Alexis Strauss
Acting Regional Administrator

cc: Amber Torres, WRPT
John Callan, BLM
Charlie R. Chandler, BIA
Damian Higgins, USFWS
Dietrick McGinnis, McGinnis and Associates
Gerry Emm, BIA
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