To: glovato@ndep.nv.gov[glovato@ndep.nv.gov]
Cc: Strauss, Alexis[Strauss.Alexis@epa.gov]; Herrera, Angeles[Herrera.Angeles@epa.gov]; Minor, Dustin[Minor.Dustin@epa.gov]; Ball, Harold[Ball.Harold@epa.gov]
From: Manzanilla, Enrique
Sent: Wed 2/15/2017 8:58:15 PM
Subject: Anaconda

Greg,

Thanks for following up on our January 31, 2017 coordination meeting with BLM and ARC. I thought the meeting went well and progress was made to advance the discussion.

Based on ARC's agreement to waive their request for federal covenants as part of the deferral option, we agree with your assessment and request to postpone the final NPL listing decision to allow additional time to continue our discussions and progress in addressing the remaining fundamental threshold issues for deferral:

- Groundwater. CERCLA process for a remedy decision must be followed in order to ensure a CERCLA equivalent cleanup at the site that will provide long term protection of human health and the environment.

- Tribe and Community Acceptance. EPA guidance emphasizes several requirements for deferral including tribal and community acceptance of deferral and of the proposed cleanup as an alternative approach to NPL listing.

- EPA and BLM past costs. Federal past costs must be satisfactorily resolved.

Based on recent conversations my staff had with the Yerington Paiute and Walker River Paiute Tribe's chairs, they have indicated that they want to meet and initiate consultation with NDEP as soon as possible. I encourage you to initiate those conversations soon.

Based on the 12/23/2016 NDEP deferral path schedule, our goal is to have a final draft

EPA/NDEP Deferral Agreement in June and all the other required documents before then. In addition, we are on track to sign a record of decision for OU 8 this summer. Under a deferral option, EPA will not fund the remedial design and/or implementation. Taking all these factors in consideration, EPA is agreeing to postpone listing and to reevaluate the progress by June 30, 2017.

My understanding is that NDEP/BLM/EPA are already engaged in discussions about developing and sharing a consistent unified message to all the stakeholders.

Thanks again for your engagement,

Enrique Manzanilla

Director, Superfund Division

US EPA Region IX

From: Greg Lovato [mailto:glovato@ndep.nv.gov]
Sent: Wednesday, February 1, 2017 7:19 AM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Cc: Strauss, Alexis <Strauss.Alexis@epa.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: Re: Today and CERCLA 108b

Thank you Enrique. Your engagement was helpful at a critical time for the site. EPA and NDEP do not always agree, but we benefit greatly from the open lines of communication.

Based on the discussion and next steps identified coming out of the meeting, NDEP's assessment is that the deferral path is viable enough to continue pursuing.

Does EPA need anything else individually or collectively from the group prior to postponing a final NPL listing decision to at least September 2017 while a Deferral Agreement and other accompanying agreements are pursued? I also ask that EPA let us know as soon as possible how

and when EPA will notify everyone that an NPL listing decision will be made no earlier than September 2017.

Thanks again,

Greg

Greg Lovato

Deputy Administrator

NV Division of Environmental Protection

775-687-9373

On Jan 31, 2017, at 8:43 AM, Manzanilla, Enrique <Manzanilla.Enrique@epa.gov> wrote:

> Greg
>
> I will be attending the first portion of the meeting.
>
> See you at nine.
>
> Enrique Manzanilla
>
> Director, Superfund Division
>
> US EPA Region 9
>
> On Jan 31, 2017, at 8:23 AM, Strauss, Alexis <Strauss.Alexis@epa.gov> wrote:
>
>> Dear Greg,
>>
>> I was not planning to attend this meeting, given we met last week with ARC. I was joined by Enrique, Angeles, and Dusty in the conversation with Bob Genovese and his team. I'm sorry if I've contributed to a misunderstanding about this week, but am available at a few breaks during the day today if needed.

Kind regards,

Alexis

Alexis Strauss

Acting Regional Administrator

E.P.A. Region 9

75 Hawthorne Street

San Francisco, CA 94105

415-972-3572

From: Greg Lovato [mailto:glovato@ndep.nv.gov]
Sent: Tuesday, January 31, 2017 6:04 AM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Subject: Today and CERCLA 108b

Alexis and Enrique,

Just a couple of quick items:

First, I wanted to ask if you were still planning on attending the Anaconda meeting with NDEP, BLM and ARC today. That was NDEP's understanding based on our discussion in December and I think it would be helpful for you to be there to help frame the discussion.

Secondly, I am forwarding the attached NDEP extension request letter related to the proposed CERCLA 108b rule making for your awareness. I had a good discussion with Barnes Johnson on this matter when he visited Tronox (Henderson perchlorate) in early January. I recognize this is an effort headed up by HQ, but to the extent Regions

are part of the discussion (or should be), Brad and I thought it would be helpful for you to understand Nevada's position.

Thanks,

Greg

Greg Lovato

Deputy Administrator

NV Division of Environmental Protection

775-687-9373

Begin forwarded message:

From: Greg Lovato <glovato@ndep.nv.gov>
Date: January 27, 2017 at 4:03:46 PM PST
To: "'Johnson, Barnes (Johnson.Barnes@epa.gov)'" <Johnson.Barnes@epa.gov>
Cc: "'Foster, Barbara (Foster.Barbara@epa.gov)'" <Foster.Barbara@epa.gov>, "'pease.michael@epa.gov'" <pease.michael@epa.gov>, "'sasseville.sonya@epa.gov'" <sasseville.sonya@epa.gov>, "'barr.linda@epa.gov'" <barr.linda@epa.gov>, Joe Sawyer <jsawyer@ndep.nv.gov>, "'Frederick J. Perdomo'" <FPerdomo@ag.nv.gov>, "Richard M. Perry" <rmperry@minerals.nv.gov>, "'jruhs@blm.gov'" <jruhs@blm.gov>, "'bamme@blm.gov'" <bamme@blm.gov>, "'Bill Dunkelberger (wadunkelberger@fs.fed.us)'" <wadunkelberger@fs.fed.us>
Subject: correction - RE: CERCLA 108B proposed rulemaking - Nevada DEP Comment Extension Request

My apologies. Please find a corrected letter attached.

Greg Lovato

From: Greg Lovato
Sent: Friday, January 27, 2017 3:41 PM
To: Johnson, Barnes (Johnson.Barnes@epa.gov)
Cc: Foster, Barbara (Foster.Barbara@epa.gov); 'pease.michael@epa.gov'; 'sasseville.sonya@epa.gov'; 'barr.linda@epa.gov'; Joe Sawyer; Frederick J. Perdomo; Richard M. Perry; jruhs@blm.gov; bamme@blm.gov; Bill Dunkelberger

(wadunkelberger@fs.fed.us)
Subject: CERCLA 108B proposed rulemaking - Nevada DEP Comment Extension Request

Barnes,

Please find attached a comment extension request on behalf of NDEP.

Thank you,

Greg

Greg Lovato, Deputy Administrator

NV Division of Environmental Protection

P: 775-687-9373

E: glovato@ndep.nv.gov