To: Herrera, Angeles[Herrera.Angeles@epa.gov]
Cc: Gene Seidlitz (gseidlit@blm.gov)[gseidlit@blm.gov]; Ball, Harold[Ball.Harold@epa.gov]
From: Greg Lovato
Sent: Fri 1/27/2017 6:34:21 PM
Subject: corrected - FW: groundwater comment on Anaconda Framework

Angeles,

Thank you for providing the description of EPA concerns associated with groundwater remedy selection language in the Framework Agreement.

NDEP considers the implementation of on-site source control and groundwater remedy a priority and critical to the evaluation and selection of a final site-wide groundwater remedy. In an effort to address EPA's concern about the "off-site" portion of the plume where "the direct exposure to site contaminants would occur/is occurring" while the on-site FS remedy is implemented and monitored, we suggest adding an Interim Measures section in the Framework Agreement and Interim AOC that includes measures to monitor, and contain migration of mine-impacted groundwater, if NDEP determines necessary, to address exposure concerns. The concept for the remediation plan is to sequence a CERCLA protective process to evaluate, select, and implement a site-wide remedy.

We look forward to continuing this discussion with you all next week.

Greg

-----Original Message-----
From: Herrera, Angeles [mailto:Herrera.Angeles@epa.gov]
Sent: Thursday, December 22, 2016 2:46 PM
To: Greg Lovato
Cc: Ball, Harold; Gene Seidlitz (gseidlit@blm.gov)
Subject: groundwater comment on Anaconda Framework

Greg,

As I mentioned, we have some concerns regarding the language I excerpt below. The document appears to propose that no "offsite" FS is contemplated until after the "onsite" FS and remedy is implemented. If so, this approach would not be consistent with CERCLA process and is problematic on many levels since it would require adoption of a remedy that is not protective site wide - we would not be addressing the "offsite" portion of the plume where the direct exposure to site contaminants would occur / is occurring. As I mentioned, in a deferral agreement, we are looking for is a "soup to nuts" CERCLA equivalent process to evaluate, select, and implement a site-wide remedy. Let me know if you would like to discuss further. Thanks. Angeles

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ARC - NDEP Draft Framework for Agreement (October 21, 2016)

III. c. vi. a.

ARC will first complete a feasibility study, including a human health risk assessment, for on-site groundwater (p. 9)

III. c. vi. e.

NDEP will not commence remedy selection and remedy implementation for off-site groundwater until after completion of the on-site groundwater remedy performance evaluation period. At that time, ARC will complete a feasibility study, including human health risk assessment, for off-site groundwater (p.10)

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