To: Manzanilla, Enrique[Manzanilla.Enrique@epa.gov]; Herrera, Angeles[Herrera.Angeles@epa.gov]
Cc: Frederick J. Perdomo[FPerdomo@ag.nv.gov]; Misti Gower[mgower@ndep.nv.gov]
From: Greg Lovato
Sent: Wed 8/9/2017 12:43:47 PM
Subject: Anaconda Discussion

Enrique and Angeles,

As we discussed on Monday, NDEP requests a teleconference with EPA to discuss the path forward for a deferral decision at the Site.

SCHEDULING

I am on travel and will be out of cell service most of today, so please follow up with my assistant Misti Gower to schedule the telconference. I could be available after 4 pm on Tuesday 8/15, but I do not think Brad is available, but I suggest we try to have the meeting then. If that time is not available on Tuesday, I will cancel another planned trip to attend this call earlier in the day. I think it is important we have this call early in the week to give NDEP time to decide how to respond to EPA as requested by August 18.

Please talk with Misti about a placeholder for another hour when both Alexis and Brad can attend (along with me and Rick Perdomo) on either 8/16, 8/17 or 8/18.

Misti can be reached at mgower@ndep.nv.gov or 775-687-9303.

PURPOSE

NDEP is in receipt of EPA's July 27 comments on the NDEP/ARC IAOC and accompanying documents, EPA's July 31 Tribal MOU Draft, and EPA's August 4 letter responding to NDEP's July 31 deferral request.

We plan to provide a draft revision of the Deferral Agreement and Tribal MOU by Thursday COB.

As Enrique requested, please find below is a proposed agenda for our discussion. Please let me know if you have any proposed changes.

Nevada attendees include:

Brad Crowell (if possible)
Jim Lawrence (if possible)
Greg Lovato
Rick Perdomo

PROPOSED AGENDA

1. Status/timing of EPA decision on a separate NPL fall listing rulemaking

a. Development of messages

b. Timing for access to federal funds to perform work in 2019 if final listing occurs in Spring 2018

2. EPA/Tribe position that MOU must be finalized prior to deferral

a. YPT request for 60 day review

b. Review of NDEP responses (expected to be provided 8/10)

3. Review of EPA July 27 comments, and which of these are considered threshold for a deferral decision per CERCLA 105(h) 1995 Deferral Guidance

4. Proposed Resolution of CERCLA Protective concern through integration of Paragraph II.D of the Deferral Agreement in the IAOC

5. Next steps on documents and sequence

Thank you,
Greg