To: lthom@ypt-nsn.gov[lthom@ypt-nsn.gov]
Cc: Herrera, Angeles[Herrera.Angeles@epa.gov]; Ball, Harold[Ball.Harold@epa.gov]; jrcollins@ndep.nv.gov[jrcollins@ndep.nv.gov]; Rodriguez, Dante[Rodriguez.Dante@epa.gov]; Laurie Thom[lthom@ypt-nsn.gov]; Seter, David[Seter.David@epa.gov]; David Davis[drdavis@blm.gov]; ghatch.ypt-nsn.gov[ghatch@ypt-nsn.gov]; Sarah Peters[speters@mcginnisandassociates.com]; Dietrick McGinnis[dmcginnis@mcginnisandassociates.com]; Viso, Maria Antonieta[maria.viso@bp.com]; Brian.S.Johnson@bp.com[Brian.S.Johnson@bp.com]; bamme@blm.gov[bamme@blm.gov]; David Davis (drdavis@blm.gov)[drdavis@blm.gov]; rthomas@blm.gov[rthomas@blm.gov]
From: Greg Lovato
Sent: Tue 5/2/2017 6:42:29 PM
Subject: RE: Last week's call with YPT
NDEP Response to YPT CERCLA Deferral Items v.2017.pdf

Dear Chairman Thom,

On April 17, the Nevada Division of Environmental Protection (NDEP) received a document from Dietrick McGinnis on behalf of the Yerington Paiute Tribe titled "CERCLA Deferral Items to be Addressed Prior to Council Review." NDEP reviewed and researched each of the items addressed in the document and prepared the attached draft responses in preparation for upcoming discussions between NDEP and the Tribe. NDEP's response is in a table format with columns identifying 1) a summary of the deferral item, 2) potentially applicable law pertaining to or supporting the item if the Site is listed on the NPL, and 3) NDEP's anticipated response to the items if the Site is deferred from NPL listing.

Please feel free to contact my office if you or other Tribal representatives have questions or comments on the draft table prior to our upcoming discussions.

Sincerely,

Greg

Greg Lovato, Administrator

NV Division of Environmental Protection

P: 775-687-9373

E: glovato@ndep.nv.gov

NEVADA DIVISION OF
ENVIRONMENTAL
PROTECTION

From: Dietrick McGinnis [mailto:dmcginnis@mcginnisandassociates.com]
Sent: Monday, April 17, 2017 4:19 PM
To: Viso, Maria Antonieta <maria.viso@bp.com>; Brian.S.Johnson@bp.com
Cc: Herrera.Angeles@epa.gov; ball.harold@epa.gov; Greg Lovato <glovato@ndep.nv.gov>; Jeff R. Collins <jrcollins@ndep.nv.gov>; Rodriguez, Dante <Rodriguez.Dante@epa.gov>; Laurie Thom <lthom@ypt-nsn.gov>; Seter, David <Seter.David@epa.gov>; David Davis <drdavis@blm.gov>; Ginny Marie <ghatch@ypt-nsn.gov>; Sarah Peters <speters@mcginnisandassociates.com>
Subject: Last week's call with YPT

Maria and Brian,

Ginny Hatch at YPT has asked that I forward the two attached documents. The YPT CERCLA items are from a presentation we provided to NDEP on March 17; the items are the same but we have added notes and some of their suggestions to the descriptions. The other document is the EPA consultation policy that should give you some idea of how the Tribe manages issues such as this with government agencies. Non-government entities such as BP are expected to coordinate with the Tribal agencies, in this case the Environmental Office, so the appropriate information comes to Tribal Council in an efficient manner.

As we discussed in the call, we had provided the list to NDEP as a baseline of what should be addressed before Council was interested in seeing a change in how the site was managed. The Council reviewed this list with the Environmental Office to be provided to the agencies and BP.

When you asked to meet with the Tribe, it was hoped it was to review these items and let us know how you planned to address them, not a general discussion that repeats what NDEP and EPA has already presented to Council to coordinate possible Consultation.

The Tribe is already having regular meeting with the agencies regarding possible deferral. Ms. Hatch would like to see your response presented to her office as soon as possible so she can work with the agencies to determine how the potential agreements will meet the Tribe's terms. Please feel free to contact Ms. Hatch or my office if you have any questions.

Dietrick

B. Dietrick McGinnis PhD PE CEM

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