To: PerezSullivan, Margot[PerezSullivan.Margot@epa.gov]
From: Jo Ann Kittrell
Sent: Thur 8/10/2017 4:20:31 PM
Subject: FW: NEW ANACONDA MINE CLEANUP STRATEGY COMES WITH SERIOUS IMPLICATIONS
July 31 2017 NDEP Anaconda Deferral Request.pdf

Hi,

We've also received a media inquiry from Reno Gazette-Journal. Harold Ball, Angeles Herrera and Amme Brian in your office have also been notified of GBRW release.

JoAnn

From: Jo Ann Kittrell
Sent: Thursday, August 10, 2017 7:30 AM
To: 'Suzanne Featherston'
Subject: RE: NEW ANACONDA MINE CLEANUP STRATEGY COMES WITH SERIOUS IMPLICATIONS

Hi Suzanne,

I've attached a copy of the letter that NDEP sent to USEPA on July 31. Please let me know if you have any questions or would like additional information!

Thanks,

JoAnn

JoAnn Kittrell

Public Information Manager

Nevada Department of Conservation & Natural Resources

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Carson City, NV 89701-5248

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jkittrell@dcnr.nv.gov

Nevada Department of CONSERVATION & NATURAL RESOURCES

From: Suzanne Featherston [mailto:sfeatherston@elkodaily.com]
Sent: Wednesday, August 09, 2017 11:25 AM
To: Jo Ann Kittrell
Subject: FW: NEW ANACONDA MINE CLEANUP STRATEGY COMES WITH SERIOUS IMPLICATIONS

Hi, JoAnn.

Thanks for the chat this morning, and I'm glad to connect with you. I look forward to receiving updates from the division.

I am forwarding you the press release I received today from Great Basin Research Watch, and if you would, I'd love to be in the loop on any updates.

In the meantime, can you verify that the formal request has be sent to the U.S. EPA? Is that something I could get a copy of?

Thanks again, and if you are ever in Elko, please let me know, and maybe we can meet for coffee.

Sincerely,

Suzanne

SUZANNE FEATHERSTON

Mining Editor

Mining Quarterly | Elko Daily Free Press

775-748-2715 (o) • 512-923-3313 (c)

From: GBRW Reno [mailto:john@gbrw.org]
Sent: Wednesday, August 09, 2017 8:48 AM
To: AP Reno; Brent Boynton; Debra Reid; Dennis Myers; Frank Mullen; Geoff Dornan; KUNR Reno Public Radio; KOLO ABC; KRNV NBC; KTVN CBS; Reno Gazette Journal; Scott Sonner; marioreno@live.com; apreno@ap.org; ssonner@ap.org; reno-krnv-feedback@sbgtv.com; news@kkoh.com; programming@knpb.org; news@kolotv.com; producers@ktvn.com; news@kunr.org; jritchey@kunr.org; cy.ryan@lasvegassun.com; sranson@lahontanvalleynews.com; gdornan@nevadaappeal.com; business@rgj.com; bspillman@rgj.com; news@rgj.com; srichards2@rgj.com; dennism@newsreview.com; prreno@entravision.com; aarechiga@entravision.com; nns@publicnewsservice.org; editorial@winnemuccapublishing.net; lori@elkoradio.com; ELK News; hyslop.nv@gmail.com; Marianne Kobak; elytimes.gary@gmail.com
Subject: NEW ANACONDA MINE CLEANUP STRATEGY COMES WITH SERIOUS IMPLICATIONS

For Immediate Release

August 9, 2017

Contacts: Great Basin Resource Watch (GBRW) - 775-348-1986 - John Hadder, Director, , john@gbrw.org

Progressive Leadership Alliance of Nevada (PLAN) - 775-348-6357 - Bob Fulkerson, State Director, bfulkerson@planevada.or; Manny Becerra, Director Environmental Justice, mbecerra@planevada.org;

Link to release: http://www.gbrw.org/gbrwftp/GBRW-pubs/Anaconda-final-release-Aug-9-2017.pdf

NEW ANACONDA MINE CLEANUP STRATEGY

COMES WITH SERIOUS IMPLICATIONS

On July 31, 2017, the State of Nevada Department of Environmental Protection (NDEP) sent a formal "Request for Deferment" to the US EPA Region 9 for the Anaconda Mine near Yerington, Nevada not to be placed on the Superfund National Priorities List (NPL). This is a dramatic development in the long history of attempted cleanup of this toxic, abandoned mine. Under deferment the site will not receive funds from the federal Superfund program and the State of Nevada would assume lead agency control and responsibility for the cleanup process.

Region 9 EPA has never executed a deferment process, so this would be new for both EPA and Nevada. In other cases of deferment outside of Region 9, sites were smaller and in the early stages of investigation, making deferment for this large, complicated and toxic site unique.

In order for EPA to agree to deferment a number of conditions must be met, including assurance that a CERCLA (Superfund) equivalent feasibility study will be conducted at the Site; that the remedy selected be substantially similar to a CERCLA response; and that appropriate enforcement mechanisms will be in place during cleanup activities at the site. In addition, the state must assure support for Tribal involvement (both the Yerington Paiute tribe and the Walker River Paiute Tribe), as well as other affected community members.

The directly affected communities (those whose health could be affected) first learned of the listing deferment approach in February of 2017. However, the State of Nevada, Atlantic Richfield Corp. (ARC, responsible for most cleanup costs), BLM, and EPA had been discussing deferment in private meetings for at least six months prior to February. Finally, on May 23, 2017 the State of Nevada and EPA organized the first of what would be three roundtable meetings on the deferment approach with other stakeholders.

GBRW participated in all three roundtables, has discussed the situation with the directly affected community, and met with NDEP. We found four main issues that need to be addressed in the final deferment agreements and process.

1. The public engagement process must improve and be responsive to public concerns.

The public learned at the end of June that the State of Nevada and ARC had already signed a preliminary "Framework Agreement" document on June 13, 2017 that formed the basis for how the cleanup will proceed and expresses the tone and priorities and liabilities of the cleanup process (This document will be superseded by a more detailed document currently in draft form, which was publically released). As a result, GBRW found that people in the directly affected community, who are primary stakeholders, do not trust the deferral strategy, since they were left out of early discussions. NDEP must develop a community involvement plan that maximizes transparency with regular updates, allows ample time for document review, and incorporates public comment into the decision making.

At the most recent roundtable on July 17 the Yerington Paiute Tribe requested an as needed 60 day period to review documents under the state lead cleanup scenario. The state responded that a 60 day review period would compromise the cleanup timeline proposed by ARC. A 60 day review period is the law under CERCLA; NDEP must allow as much review time. In addition, EPA conducts government-to-government meetings with the tribes as required by federal law, but no such law exists in Nevada, so Nevada must establish legal MOU's to address this community and EPA priority.

2. The State of Nevada must demonstrate that it will enforce full cleanup.

Many in the affected community recall that prior to 2000 the State of Nevada did not require sufficient bonding for a portion of this site, and NDEP was unable to get ARC to pay for more than token activities prior to EPA involvement. Under EPA lead, ARC (owned by British Petroleum) has spent more than 100 million dollars in assessment and emergency response cleanups at the site. This has left many in the directly affected community feel that it is a risk to return to state control of the cleanup.

Due to the size, risk, complexity, and history of the site the directly affected community is concerned that only through EPA using its authority under CERCLA will be able to manage the complete cleanup of the mine site. NDEP will need to marshal very large resources to manage and enforce the cleanup process.

3. The agreements between the State of Nevada and Atlantic Richfield Corp. must contain a commitment to aquifer restoration.

The mine contaminated groundwater under the mine boundary and beyond the boundary, primarily to the north. The groundwater has been used for both drinking water and for agricultural irrigation. The goal of the cleanup should to restore the groundwater to those "beneficial" uses. It will likely require decades to clean up to the legal standards required under CERCLA. For example, the Homestake Mining Company Superfund site in Cibola County, New Mexico has a commitment to background level restoration and has been treating the various aquifers since 1989.

The goal of aquifer restoration must be clearly stated in both the deferment agreement between EPA and the State of Nevada and all other agreement documents. The Statement of Work must include a schedule to develop a feasibility analysis for remediation strategies to restore the aquifer.

4. The State of Nevada must require that ARC redraft a realistic site cleanup completion schedule.

The draft deferral agreement puts the site completion date in 2029. The site contains five acid heap leach pads, and there is no example of an acid heap leach facility that has been closed to date. In addition to the acid leach pads, are the waste rock dumps, a pit lake, tailings piles, evaporations ponds, massive topsoil needs, and groundwater that need to be addressed. "Long-term institutional management is likely for many more decades," according to Dr. Glenn Miller, Professor of Natural Resources and Environmental Science, University of Nevada. For this reason and the need for ample time for public review and input the cleanup schedule must be redrafted.

GBRW and many in the affected community foresee costs for work, like groundwater cleanup, extending past 2029 and will therefore be borne by Nevada citizens. The agreement the State of Nevada is proposing to ARC is without precedent with a serious risk of allowing their responsibility to end on a date even if the job is left undone.

"In a good recent meeting, staff from NDEP acknowledged our concerns and we look forward to seeing the commitments to groundwater cleanup, mine closure, community engagement, and revisiting of workplans and schedules materialize in the agreement documents.," said John Hadder, Director of Great Basin Source Watch.

-30-

John Hadder

Great Basin Resource Watch

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