To: Rodriguez, Dante[Rodriguez.Dante@epa.gov]; Seter, David[Seter.David@epa.gov]
Cc: Dave Davis (drdavis@blm.gov)[drdavis@blm.gov]
From: Jeryl Gardner
Sent: Mon 5/8/2017 8:58:42 PM
Subject: RE: NDEP-EPA/BLM monthly 5/1/17 - Dante's notes

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PS: Which time slot are we holding the Anaconda call with ARC this Thursday, 10-11 or 2-3?

Both invitations are active.

Thanks,

Jeryl R. Gardner, P.E., C.E.M.

Abandoned Mine Lands Program Manager

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From: Rodriguez, Dante [mailto:Rodriguez.Dante@epa.gov]
Sent: Monday, May 1, 2017 5:10 PM
To: Jeryl Gardner ; Seter, David
Cc: Dave Davis (drdavis@blm.gov)
Subject: NDEP-EPA/BLM monthly 5/1/17 - Dante's notes

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ANACONDA SUPERFUND SITE

MONTHLY STATUS MEETING: NDEP-EPA/BLM

DATE: 5/1/17

PARTICIPANTS: Dave Seter (EPA), Dante Rodriguez (EPA)

Jeryl Gardner (NDEP)

Confidential information in purple.

Updates in blue and purple.

Previous periods' information in gray or light purple.

OU0. SITEWIDE:

∀ **NPL Listing.**

o ARC deferral proposal. BP met with EPA RA 1/26. NDEP, BLM and ARC met with EPA in SF 1/31.

♍ Removed listing package from HQ process for listing in March, can do listing in Sept if needed, need to make decision by end of June.

♍ Resolved covenants hurdle, discussing hurdles of groundwater, past costs (see below), tribal & community acceptance. O'Rourke says that as a NR trustee, tribe's consent is required for deferral.

♍ Draft deferral agreement from NDEP 3/31, EPA reviewing. EPA "requirements" letter sent.

♍ **Tribes.** NDEP met with tribes, discussed how State will coordinate with them, tribes informed state that they had expected to be part of discussion by then, do not concur on delay of listing. State drafted consultation letter.

EPA/BLM/NDEP management met with tribal chairs and councils March 8-9, informed of delay in listing, tribes weren't happy that they hadn't been consulted.

∀ YPT wanted to see deferral agreements by May 1.

∀ Is it "concurrence" or "acceptance" that is required?

∀ Tribes asked about EPA funding for their involvement if state-lead.

∀ Tribes asked for communication protocol of contacting environmental coordinator first before contacting chairman.

∀ Tribes raised NRDA issue, effects of deferral on case. BLM/BIA/DOI higher ups briefed, offered help, basically between State and Tribes to resolve.

Greg met with tribes March 17th and 24th, promised regular coordination, wanted clear definition between coordination and consultation. WRPT ok with deferral. NDEP sent letters to YPT but no response yet.

Dietrick had recently sent a letter to ARC. Jack said ARC had a call with YPT recently; no call with WRPT yet, but coming.

Dave: EPA call with YPT last week, management level, re: dissatisfaction that consultation

protocol adequately followed. Dante: learn from mistakes, involve tribes, consultation at higher levels earlier than before (when tribe dissatisfied).

♍ **YCAG.** Harry spoke with Peggy, Greg exchanged emails with her. Jeryl: Peggy ok with state-lead and deferral, wanted to see examples of state work on CERCLA-like sites.

o Public comments. Eugenia working on responsiveness summary, incorporate staff input to outstanding questions, wrap it up then hold it. (Listing of other sites reportedly has not yet taken place). Anaconda is on the list for listing in September. No further action on the NPL comments until we know the path forward.

∀ **Community Involvement.**

o CIP. Draft, EPA team reviewed, Sarah hasn't shared with workgroup yet, awaiting direction re: deferral before moving along, on hold now.

∀ **SharePoint Site.** Issues.

o Document ordering (not chronological). CBI uploaded document date data to SP site, will enable chronological sorting.

o Folder naming and structure. Jeryl reviewed folder nomenclature and organization and relayed comments to Cacciatore on 4/18 call.

o Operability (crashes when try moving around from deep within file structure). CBI revised structure so each folder is a "library" rather than having one big library with lots of folders, now enables smooth operation. Jeryl tested out browsing through folders, relayed comments to Cacciatore on call 4/18.

Jeryl: propose changing biweekly OU8 call with CBI to monthly, or just discuss issues via email and have calls to discuss as needed. Dante agreed and will change.

∀ **Sitewide Closure**. Thoughts, from last week's meeting between ARC, NDEP, EPA. Dante: seems like ARC finally decided to get it done. Jeryl: Jack/Brian gave engineers task of looking at this. Dave: well presented, proof is in details, updated Harry and Jim, no huge concerns. Update YPT staff soon, monthly call Thursday, Jeryl will check in with Greg/Jeff on this.

∀ **Other/General.**

o Jeryl: monthly call with ARC, he might have field work, but looks like not.

OU1. Groundwater:

∀ **Remedial Investigation Report.** Jack has internal draft, probably late May timeframe to agencies.

∀ **Plume Stability.** YPT comments/white paper on background focus on plume stability (movement), modeling effort.

o To be dealt with post-RI, feed into FS, won't be part of RI report.

o Dietrick has some additional information to add to white paper, show some more statistics they did.

o Jack received comments, team reviewing, working on ARC response, by end March. CBI to review tribe comments.

o Technical meeting in May/June to discuss, Dave will do presentation of proposal for plume stability, trends analysis, have EPA proposal, will share with agencies before meeting. Jack looking at ARC team availability late May/early June. Dave might like to look at OU-4 data as well during that meeting. Dave Davis offered the BLM conference room for the meeting. Dave will follow-up with Jack.

∀ **Feasibility Study.** Dave: awaiting direction of deferral before having ARC proceed.

∀ **Risk Assessment.** Don't wait for OU3 final approval, start OU1 HHRA workplan, have tech calls instead of detailed tech memos, same approach as OU7, ARC agreeable, approval of workplan would be key necessary agency approval before proceeding, don't need interim approvals. Jack will check with Alma on schedule. Dave: haven't decided yet how to proceed. Jeryl suggested (and Dave S agreed) having the risk assessors schedule a call to discuss next steps, general direction on both OU-1 and OU-3. Jack will talk with Alma and Jamey and others to get potential dates; Dave will talk with Sophia and contractor support.

∀ **Bottled water.**

o EPA will wait until RI final before make decision about tribe's bottled water. Outreach to tribe needed before stop bottled water program.

o ARC provided EPA information about who is connected and who is not etc., ready to discuss, EPA hasn't responded, awaits formal request from ARC pursuant to EPA Order. Jack will email Dave to get discussion started, Jack unsure whose court this is in after ARC sent latest domestic well status to EPA; Dave checking with EPA attorneys on this approach.

o Work with ARC to strategize dealing with well owners who are not connected to city water. Dave suggested a working group meeting to discuss strategies to remove bottled water program and make final connections to City water; Jack agreed to check calendars. Should attorneys participate in this discussion? Better to have a clearer understanding first before involving attorneys. Dave has lost contractor support for bottled water program.) Dave: EPA CI to assist with "hold-outs."

o Ginny reported issue with bottled water logistics, bottles blown all around reservation, Ginny contact Jack, maybe arrange central drop-off point. Ginny hasn't yet contacted Jack. Dante: will

raise to her on Thursday call.

OU3. Process Area:

∀ **Remedial Investigation.** Schedule: March 31 deadline for comments. Report reviewed, Hill BLM and NDEP comments received, Dave will review Hill comments end of March, awaiting YPT comments. Dave: gave tribes additional time after new grant funding was awarded; thinks RI is approvable now.

∀ **Risk Assessment**.

o HHRA workplan. Workplan prepared, Dave will distribute, maybe end of April, no time now to address, looking at end May for submitting comments to ARC.

∀ **FS/PP/ROD.** Complete RI and HHRA, de-prioritize FS.

OU4a. Evaporation Ponds:

∀ **Data Results.** Schedule: DSR to agencies 3/15/17, data evaluation report by 4/24/17. ARC reviewing draft DSR by BC, hope to submit to agencies by end of March. Data evaluation will be conducted mostly by Coppers with some BC input, submit to ARC April, to agencies May or early June. Have a discussion at the same time as OU-1 plume stability tech meeting. Jeryl: agrees with discussing along with OU1 tech meeting; want to receive DSR in advance of meeting, ideally couple weeks.

OU7. Wabuska Drain:

∀ **Phase 1.** DSR and data evaluation submitted, discussed at 1/31 technical meeting, agreed Phase 1 data is sufficient and can proceed with HHRA/ERA, Dante sent approval letter.

o CBI and YPT submitted comments, EPA incorporated and submitted, can followup with ARC and schedule discussion. Jeryl: could we add OU7 to OU1 tech meeting too? Dante: depends on whether we are ready to discuss YPT data, risk planning, Weber reservoir, wouldn't travel for such short discussion; Dante will followup with Jack.

o AECOM provided slides that were presented at 1/31 meeting, Dante distributed to agencies.

o Add bullets to gantt chart to include comments on report, ARC responses, etc. Need to strategize the steps needed to get to RI and HHRA, then add to Gantt chart.

∀ **YPT sampling.**

o SAP/QAPP.

♍ EPA QAMS approved, approval memo received.

♍ Peer Review. Reviewed by CBI, NDEP, BLM, ARC. Comments from ARC, EPA sent response letter to ARC. Dante will post to Sharepoint final version.

o EPA lab/CLP. Services being conducted, analytical and data validation.

o Field work. Schedule: field work complete 3/15/17. Field work initiated February, completed in March, CBI observed field work, samples sent to EPA lab. QAPP was also SAP. Jack/Jeryl requested copy of daily oversight reports, Dante will send when receive. CBI working on field oversight report. Dante to get status and expected data delivery date.

∀ **HHRA/ERA Scoping.**

o ARC questioned how to include YPT sampling results in HHRA.

o EPA wants to proceed with HHRA for Phase 1 area, have Alma start, figure out process that works for her in terms of agency input, interaction, etc. ARC will meet with team and get back to us, can have a call to discuss. Dante ask Jack for status.

o Team for HRA scoping, Cynthia Woo in SF office, or Mark Weisberg, Alma asked about using Cynthia, early decisions on exposure pathways is critical, Sophia Serda has been involved in Carson River, maybe use her, and we have Ned Black for eco.

∀ **Further Sampling.** Dante to have Hill scope potential sampling in rest of drain, CBI would do sampling if ARC won't perform, need funding.

∀ **Other Components.** EPA to do strategy for peripheral components, rail spur, Weber Reservoir, also sulfur studies applicable to both OU7 and OU1/OU8, Hill do one sampling plan for all but not field work, obligated pipeline funds. Jeryl recommends separating some of these issues in correspondence with ARC, separate drain investigation, peripheral components/rail, and Weber Reservoir. Look for ways to move forward on RI without bogging down.

o Peripheral Components. ARC had not included in SAP but Jack said could add on, have someone recon, do an addendum to SAP, not connected to rail spur.

o Rail Spur. Hill to prepare SAP, offer to let ARC do sampling as scoped, if they refuse we can enforce order or do ourselves and bill them. Note Thompson Smelter is there too, rail spur not just used for Anaconda mine, area-wide usage, Arimetco had parcel there too.

o Weber Reservoir. ARC will have team ready to discuss. Cynthia shared Weber paper with Congressman, they offered to help. CBI reviewed report, discussed with EPA, ready to discuss with ARC.

<u>OU8. Arimetco</u>:

∀ **RRRT.** Regional Remedy Review Team, reviews remedies between $25-50M, conducted our review, sent memo to EPA HQ, HQ will decide whether remedy warrants national RRT review.

DaveD has not heard anything yet. Dave –CR still undecided at this point. Dante: discussed memo with HQ, memo received verbal approval from HQ, received go ahead to conduct HQ review of draft ROD, memo approval letter forthcoming.

∀ **ROD/Response Summary.** Draft ROD being reviewed by BLM and EPA HQ, BLM HQ review schedule 3/16-4/15, DaveD expects comments by 4/26, address/incorporate by 5/1. Anticipate 90d for routing/signature BLM/DOI routing, by 7/31. Dante: expect HQ comments 5/6.

∀ **Enhanced Evaporation.** SPS pilot test, final report. McGinnis requested the EE pilot monthly reports, Dante posted on SP.

∀ **Water Balance model.** Updates underway, Jack reported work in progress, incorporating dissolved solid data into model, stay tuned in coming weeks.

∀ **Groundwater contribution.** CBI and Hill are evaluating heaps, composition, leachability, isotropic analysis, have preliminary data, compare to groundwater data. Tech memo forthcoming from CBI and Hill. Interrelated with OU7 scoping task for Hill, we will also have them scope and write FSP for investigations of OU8 contribution to groundwater. Dave: asking ARC for sulfur isotopic data that they referenced in background, wasn't in our dbase, to provide to CBI.

∀ **Free Use Permit**. DD: NDEP application for borrow material, to be used as cover, outside site boundary but on BLM public land, requires EA/EIS. ARC started discussions with BLM on potentially buying the public land within mine property, handled at District office. No update.

NV MSCA #99T28801-2 [7/1/16-6/30/17]

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