**To:** Ball, Harold[Ball.Harold@epa.gov]
**Cc:** Herrera, Angeles[Herrera.Angeles@epa.gov]
**From:** glovato@ndep.nv.gov
**Sent:** Thur 2/2/2017 10:34:48 PM
**Subject:** RE: Anaconda coordination

All that being said, if EPA or BLM have some specific ideas on how we should be communicating with tribe about deferral now I am all ears. I believe it is premature.

-----Original Message-----
From: Greg Lovato
Sent: Thursday, February 02, 2017 2:32 PM
To: 'Ball, Harold'
Cc: 'Herrera, Angeles'
Subject: RE: Anaconda coordination

When they would be consulted should not have been communicated by Jeryl. I let him and Jeff know to have all external deferral inquiries directed to me.

-----Original Message-----
From: Greg Lovato
Sent: Thursday, February 02, 2017 2:31 PM
To: 'Ball, Harold'
Cc: Herrera, Angeles
Subject: RE: Anaconda coordination

Ok that is incorrect information about them being consulted in May timeframe. We would plan to contact them immediately if/when a decision from EPA is communicated that March listing will be postponed.

-----Original Message-----
From: Ball, Harold [mailto:Ball.Harold@epa.gov]
Sent: Thursday, February 02, 2017 2:28 PM
To: Greg Lovato
Cc: Herrera, Angeles
Subject: FW: Anaconda coordination

See below. So no substance but just that negotiations continue and thus perhaps their assumption (?) that we are planning to delay listing. Constructive tribal engagement is an important piece to consider soon. I see that you have made plans to discuss on Monday.

=====
Harold Ball, Chief, NV & Federal Facilities Section (S82), EPA Region 9 Superfund, w) 415.972.3047, c) 415.819.9821, ball.harold@epa.gov

-----Original Message-----
From: Rodriguez, Dante
Sent: Thursday, February 02, 2017 2:04 PM
To: Ball, Harold <Ball.Harold@epa.gov>
Cc: Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: RE: Anaconda coordination

Hey guys,
I would agree that Jeryl only generically informed us that the deferral path is still being pursued, based on the Tuesday meeting. (Jeryl informed me separately about the "covenants" issue.) The tribes knew enough background about what is going on, though, to know the significance of that

information. The tribes know that they have not yet been involved in the deferral discussion, and Jeryl did indicate that per the schedule they would be consulted in the May timeframe. I believe that timing upset them and is precipitating the letter.

Dante Rodriguez
Remedial Project Manager
U.S. EPA Region 9
75 Hawthorne Street, SFD-8-2
San Francisco, CA 94105
(415)972-3166

-----Original Message-----
From: Ball, Harold
Sent: Thursday, February 02, 2017 1:01 PM
To: glovato@ndep.nv.gov; Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: RE: Anaconda coordination

OK. Let me check back with Dante (now at lunch) to see if he shares the opinion that only generic info was shared. If true, great!

I will get back to you both when I can confirm. From Dante's report, I got the impression that more substance was discussed - if not, then why did the tribe indicate they would be sending a letter now? Will follow up.

=====
Harold Ball, Chief, NV & Federal Facilities Section (S82), EPA Region 9 Superfund, w) 415.972.3047, c) 415.819.9821, ball.harold@epa.gov

-----Original Message-----
From: Greg Lovato [mailto:glovato@ndep.nv.gov]
Sent: Thursday, February 02, 2017 12:54 PM
To: Herrera, Angeles <Herrera.Angeles@epa.gov>
Cc: Ball, Harold <Ball.Harold@epa.gov>
Subject: RE: Anaconda coordination

I talked with Jeryl and we would not characterize it that way. In response to a question from Dietrick, Jeryl stated that we are continuing to work on a deferral path, not inconsistent with Dave Emme's NPL listing formal comment letter. Jeryl did not review any specific "outcomes" from the meeting or indicate any decisions were made with respect to postponing listing. They did not mention anything about sending a letter. We did receive the attached letter previously and are waiting to respond. I am not sure why they would send an additional letter now. No decisions have been made or communicated.

-----Original Message-----
From: Herrera, Angeles [mailto:Herrera.Angeles@epa.gov]
Sent: Thursday, February 02, 2017 12:28 PM
To: Greg Lovato
Cc: Ball, Harold
Subject: Anaconda coordination

We understand from Dante that Jeryl mentioned our ARC meeting outcomes to tribe (Chairman Thom, Ginny, and Dietrick) on Tuesday night after talking to you. Tribe planning a letter soon. Do you know anything about that?