To: 'Sither, John (ENRD)'[John.Sither@usdoj.gov]
Cc: Lensink, Andy[Lensink.Andy@epa.gov]; 'Haque-Hausrath, Katherine'[KHaqueHausrath@mt.gov]
From: Duffy, William
Sent: Wed 7/23/2014 11:42:55 PM
Subject: RE: July 29th ARWWS Domestic Well Area of Concern Background Influence Call

John – from the emails I have received, I believe Roy's intent is to have technical representatives present to respond to questions, but not all of the experts who have contributed to the analysis will participate. As I understand his position, prior meetings have been devoted to review of the technical materials, and a great deal of back and forth on the science. He proposes to focus the discussion upon solutions for moving forward.

I don't recall receiving the email from which you pulled the text below. If you would, please forward the complete email to me. I will follow up with Roy to confirm who he has asked to participate in the meeting / call on July 29th. .

Bill

From: Sither, John (ENRD) [mailto:John.Sither@usdoj.gov]
Sent: Wednesday, July 23, 2014 12:45 PM
To: Duffy, William
Cc: 'Lensink.Andy@epa.gov'; Haque-Hausrath, Katherine
Subject: July 29th ARWWS Domestic Well Area of Concern Background Influence Call

Hi Bill,

I'm participating in next week's AR-EPA-DEQ call and am trying to figure out its purpose. EPA and DEQ are unsure. I see that last month Roy provided the following description:

Intention of this meeting is to work with EPA and DEQ to reach an equitable resolution with

respect to Atlantic Richfield's continuing obligation for the Domestic Well Area of Concern that is supported both technically and legally. AR will be prepared to answer questions relating to its forthcoming response submittal to the April 9, 2014, report by CDM Smith entitled Agency Interpretive Report for MBMG's ARWW&S Arsenic Source Investigation Final Project Data Summary Report, dated 10-30-2013. However, AR does not view this meeting as the appropriate platform for expert technical debate and therefore will not have its consultants present at this time.

I understand the first sentence, but not the second and third. I'm not sure how AR can answer questions about its response to the CDM Smith report without getting into "expert technical debate" and having its consultants present. As EPA continues to be skeptical regarding the scientific claims raised by AR concerning naturally occurring sources of arsenic at the Anaconda site, in the normal course it would have its relevant technical folks present – including consultants – in order to try to better ascertain the support for these scientific claims. I don't see how a meeting about these highly technical issues will be very productive otherwise.

I know I haven't been privy to Anaconda calls in recent months, and therefore may be missing something.

Thanks,

John

John W. Sither, Senior Attorney

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