To: Rauchway, Jon[Jon.Rauchway@dgslaw.com]
From: Lensink, Andy
Sent: Mon 3/18/2013 2:59:20 PM
Subject: RE:

Jon:

We weren't scared at all. Sounds like these are legitimate questions.

Actually, I believe we owe you some scheduling times . . .

Andy

From: Rauchway, Jon [mailto:Jon.Rauchway@dgslaw.com]
Sent: Friday, March 15, 2013 4:36 PM
To: Lensink, Andy
Subject: RE:

Andy:

I wanted to make sure you received the below message from me last week.

Assuming you did, I hope I did not scare anyone off with the rather lengthy list—I wanted to err on the side of thoroughness no nobody feels blind-sided. In any event, please let me know where we stand on setting up a meeting.

Thanks, and have a good weekend.

Jon

Jonathan W. Rauchway

Davis Graham & Stubbs llp

1550 Seventeenth Street, Suite 500

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Tel: 303.892.7216

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From: Rauchway, Jon
Sent: Thursday, March 07, 2013 5:35 PM
To: 'Lensink, Andy'
Cc: Coleman, Charles
Subject: RE:

Andy:

I spoke with Rich Bartelt today, and the questions he has generally focus on two areas: (1) whether EPA has correctly followed the Superfund process in overseeing the Anaconda Smelter Site, such that it has crafted remedies that serve the needs of the community and are protective of human health and the environment; and (2) whether Atlantic Richfield Company has been been cooperative and compliant in carrying out EPA's directives at the site. I am fairly confident Rich has already arrived at preliminary opinions on these subjects through extensive review of the

administrative record, but we would like to give him the chance to confirm those prelimianry opinions through direct communication with representatives of EPA.

Some specific questions under under those areas that are likely to come up include the following:

- How EPA has engaged with the State and with the public, including providing meaningful opportunities for public participation and consideration of public opinion

- How EPA has adapted to the evolving Superfund process over the 30 years of regulation of this site

- How EPA has scrutinized ARC's submissions, and whether it engaged in independent analyses of remedial options, including at times disagreeing with or rejecting ARC's proposed remedies

- How EPA's CS and ARWWS RODs apply to the communities of Opportunity and Crackerville

- How EPA arrived at applicable action levels for cleanup of residential soils and groundwater, especially as they relate to the Opportunity and Crackerville areas

- How EPA determined that such action levels are sufficiently protective

- How EPA will deal with new information or evolving science related to action levels, if necessary

- How EPA arrived at the decision to remove the Milltown sediments to the Opportunity Ponds, including whether it provided meaningful opportunities for public input by local residents

- Whether ARC has cooperated in the Superfund process, including timely compliance with EPA orders, timely payment of cost recovery, performing quality work, etc., such that EPA has not had to resort to its more stringent enforcement powers

- Whether ARC has meaningfully engaged with the State and public as contemplated by the Superfund process

I hope that is helpful – give me a call if you'd like to discuss this further. As I think I mentioned in our call, Rich is with ARCADIS out of Chicago. Before that, he was with EPA Region 5,

directing the Superfund Program for that region for a number of years.

Jon

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From: Lensink, Andy [mailto:Lensink.Andy@epa.gov]
Sent: Thursday, March 07, 2013 1:13 PM
To: Rauchway, Jon
Cc: Coleman, Charles
Subject: RE:

Jon:

As I mentioned when we spoke, it would be helpful to have an idea of the questions you will ask.

It's possible there could be some other EPA folks involved besides Charlie and having a list of your issues would help with that.

Thanks,

Andy

From: Rauchway, Jon [mailto:Jon.Rauchway@dgslaw.com]
Sent: Wednesday, March 06, 2013 4:13 PM
To: Lensink, Andy
Subject:

Andy:

It was nice speaking with you today. Here's my contact information.

Jon

Jonathan W. Rauchway

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