Message

From: Rapicavoli, Emmanuelle [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FF3604A98B624BB7A1A9A236EC176998-ERAPICAV]
Sent: 6/21/2017 4:36:27 PM
To: Wells, Kimberly [wells.kimberly@epa.gov]
Subject: FW: First Mesa Consolidated Villages HAMP MOU/MOA/purchase agreement concerns
Attachments: S63 D33 T38 E73 FR HAMP.pdf

FYI

I had responded to Jeff already about items 4+5. I will try to set up a call with Mike and Loretta to discuss the critical path for USDA funding.

Thanks

From: Rapicavoli, Emmanuelle
Sent: Monday, June 19, 2017 3:17 PM
To: 'Jeff Mansfield' <jlmansfield1981@gmail.com>; Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Hecht, Hillary <Hecht.Hillary@epa.gov>
Subject: RE: First Mesa Consolidated Villages HAMP MOU/MOA/purchase agreement concerns

Hello Jeff,

It's good to hear that you are maintaining and ongoing correspondence with Tim at HUC. A few points of clarification on your notes below:

4) Project PH04S63 was an IHS funded project that has been completed. I've attached the final report. Most of the funds in that project were used to construct the turquoise trail wells. The attached FR has more details. Regarding DWTSA funded projects E55 and E73. That IA will expire on July 31st. 2017. We expect IHS to return any unused funds. However we are encouraging the Tribe and HUC to develop HAMP related projects that can be funded in our FY18 funding cycle.
5) Because the village water systems are "community water systems" they are eligible for DWTSA funding regardless of the profit status of the utility. The non-profit requirement is only for non-community water systems.

Feel free to contact me with questions about these issues. Thanks,

Emmanuelle

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Please: All data submittals to our office should be sent by email to datamanager@epa.gov with a copy to me (or your project manager in the Drinking Water Office). Data reports are due no later than the 10th of the month following the month that you receive results, or the 10th of the month following the compliance period, whichever comes first. Please include the whole lab report and copy of the Chain of Custody. Label with PWS name and number; & source or distribution system location codes or names for data collection points.

From: Jeff Mansfield [mailto:jlmansfield1981@gmail.com]
Sent: Monday, June 19, 2017 1:29 PM
To: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Hecht, Hillary <Hecht.Hillary@epa.gov>; Rapicavoli, Emmanuelle <Rapicavoli.Emmanuelle@epa.gov>
Subject: First Mesa Consolidated Villages HAMP MOU/MOA/purchase agreement concerns

EPA Region 9 Enforcement,

Jeff Mansfield here again, I have just touched basis with my Client, FMCV/ Ivan Sidney Sr. in regards to their PWS#09-0400106 as it relates to the Hopi Tribe's HAMP efforts. Mr. Sidney, who speaks on behalf of the Traditional Leadership, who are the actul owners of the PWS#09-0400106, has brought to my attention several key factors that are of paramount concern to FMCV as it pertains to HAMP MOUs/MOAs & other legally binding commitment agreements. These concerns are as follows:

1) Presently, no specific (or even general estimations) dates for either the "starting" or the "completion" of the HAMP have yet to be given within various MOUs/MOAs produced by the new "Hopi Utility Corp/HUC.". Specifically, what expected timeframe for the completion of the Transmission Line from HardRock to the FMCV Water Storage Tanks.

2) No specific/detailed "Purchase Agreements btwn the Villages/HUC for the wholesale cost of HAMP H20" have been produced by the HUC for FMCV to review, revise, negotiate, & obligate themselves to as of today.

3) No specified obligations by the Tribe/HUC in regards to the Village's PWS, & HAMP. As well as a lack of any "tangible PWS assets" for any of the 4 PWSs currently in Violation of the SDWA/NPDWR.

4) The impending loss of 2 FMCV (per Project MOAs) HAMP-related Tribal Set-Aside Projects on July 1st, 2017 in the amount of $2.3m plus the 2004 IHS Project PH04S63 @$800k.

5) Most importantly, the newest HUC Charter of Incorporation which I am attaching to this email. This Charter gives the assumption that this new Utility for the Hopi Tribe via the HUC, is a "for-profit" entity that gives the disguise as being a separate Utility Entity from the Hopi Tribe but as the fine print illustrates, contradicts the EPA's Tribal Set-Aside Program's Guideline Directives (Per 2013's Revised EPA TSA Guidelines). In addition to the majority of funds being issued by EPA for Drinking Water Compliance, which thus far, has only produced various documents that are geared solely for USDA-RD grant/loan apts pre-requisites & 2 wells at the expense of the 4 affected Villages.

In short, the Hopi Tribe's attempt to characterize FMCV as non-participants in the HAMP is erroneous. FMCV is committed to providing its community with the most beneficial course of action as it pertains to Safe Drinking Water here in Polacca, AZ. By taking actions such as signing HUC MOAs/MOUs and/or Purchase Agreements without specified terms, provisions, liabilities, commitments, timetables, and other legally binding formalities would be both negligent, and un-fiduciary on the part of the FMCV staff & Traditional Leaders.

FMCV is committed to the HAMP, but only if such specific details to this commitment are given, negotiated, & agreed upon by both the Tribe and FMCV.

Since FMCV is composed of 3 Villages, FMCV has had 2 public outreach forums that they have hosted to inform FMCV's community of what is being done to remedy this Arsenic issue. So with that, it has taken FMCV a bit more time to adequately evaluate what course of actions FMCV will take with the HAMP, & EPA Compliance.

EPA Region 9 has been adamant towards FMCV's continual cooperation with the Hop Tribe, HUC, HWRP, & IHS in hopes of achieving EPA Drinking Water Compliance. This email should re-affirm that continual participation by FMCV with the HAMP, but these are the concerns of FMCV thus far.

I will immediately email Mr. Tim Bodell (HUC Director) stating these same FMCV concerns today. I am proud to say that Mr. Bodell and myself do have an ongoing correspondence among HUC & FMCV. Thanks

Jeff Mansfield
FMCV Business Consultant