UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 20, 2020

John Cruden
Beveridge & Diamond
1350 I Street
Washington, D.C. 20005

Ronald J. Tenpas
Vinson & Elkins
2200 Pennsylvania Ave NW
Suite 500 West
Washington, D.C. 20037

Dear Messrs. Cruden and Tenpas:

Attached please find for your review a proposed Administrative Settlement Agreement and Order on Consent (ASAOC) and a Statement of Work (SOW) for implementing phased removal actions at the Stibnite Mining District.

As proposed in our July 7, 2020 communication, the ASAOC presents a phased approach to addressing legacy contamination at the Stibnite Mining District. The scope of the removal actions in each phase is bounded by the list of source areas in Attachment 1 of the Statement of Work, rather than by metes and bounds. Please note that some of the source areas are identified by different names than those used in Table 1 of our July communication. In addition, please note that, unlike Table 1 from July, the Spent Ore Disposal Area, and Bradley Tailings areas are no longer identified as source areas being addressed under the ASAOC. It is our understanding that these areas are sources for remining activities and thus would not be sources for removal of contamination. As we have discussed, it is our intent to keep activities approved under a mining plan of operations or a state or federal permit separate from activities carried out under the ASAOC. Finally, please note that the ASAOC is drafted to be signed by both EPA and USDA, and the respective roles of each agency will be addressed in a separate memorandum of understanding between the agencies.

Please let us know when you are ready to discuss this document with us. In addition, please be aware that this document does not yet reflect any comments from either the State of Idaho or the Tribes, who are receiving a copy concurrently. We look forward to working with you to finalize this agreement.

Sincerely,

SUSAN BODINE Digitally signed by SUSAN BODINE Date: 2020.10.20 18:24:55 -04'00'

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance

Wright, Peter Digitally signed by Wright, Peter Date: 2020.10.20 18:33:08 -04'00'

Peter C. Wright
Assistant Administrator
Office of Land and Emergency Management

Enclosures

cc: Chris Hladick, Regional Administrator, EPA Region 10
Steven Vaden, General Counsel, USDA