To: Barrows, Judy[Barrows.Judy@epa.gov]
Cc: Dee.allen@ldftribe.com[Dee.allen@ldftribe.com]
From: Hanson, Kristen
Sent: Fri 7/7/2017 6:32:19 PM
Subject: Excavation Feasibility Study Task Order Status- Region Reports HQ has delayed task order and is backlogged-
Tower Standard Task Order PWS draft v2 2017.docx
Tower Standard Site - EPA Letter 03-20-17.pdf
Tower Standard Task Order PWS draft March 2017 kh comments 3.22.2017 updated 4.14.2017.docx
May 25 Tech Call Meeting Notes feasibility study delayed at HQ.docx
Feb 23 2017 EPA-Tribe Facilitated Technical Meeting Notes and Commitments.docx

Good Afternoon Judy,

We are requesting your assistance in reference to the status of the attached task order for the Haskell Lake Site. The region reported that the task order that includes an interim action excavation feasibility study has been delayed because of Headquarters Backlog (May 25 tech call notes attached). The Tribe has been anticipating source area excavation for years and have expiring contributing funds. For reference I have included some source soil interim action excavation history and recent events.

Source Soil Interim Action Excavation History:

2015

Source Soil excavation was proposed to EPA in April 2015 in a meeting in Chicago with Tribal and EPA legal, Gary Victorine, Sherry Kamke, Bob Egan, and Tribal Management and Staff. Tribal Staff put forth the Natural Resource Director's expectation that source soil removal occur by August 2015. The Tribe had been requesting assistance since November 2011.

Source Soil excavation was extensively discussed during the July 2015 EPA-Tribal Initial Consultation Meeting on Lust Sites within the Lac du Flambeau Reservation. During EPA's consultation visit in July 2015, Tribal costs estimates and scopes of work for interim action was shared with EPA's technical staff, Bob Egan. With only the historical cleanup for reference, the tribe had estimated the costs for a) source area delineation work ~$30,000 b) source soil removal and trucking to the Lincoln county Landfill $70,000 (cost for our Tribal Roads Department to complete excavation, trucking, backfill, and compaction work estimate 1200 cubic yards), and landfill disposal costs ~ $41,400.

Source area soil sampling was included in August 2015 EPA Task Order to delineate the source area. Unfortunately the task order was never implemented.

By the fall of 2015, the Tribe had received notice of partial interim action funding from the BIA Midwest Regional Director. The funding would only include source area excavation, trucking, and backfill. The Tribe shared notice of the potential funding to EPA Staff assigned to the project, Bob Egan. Mr. Egan was willing work with this funding with EPA work commitments to source area delineation, excavation planning, and landfill disposal. With support from EPA, the Tribe accepted the funding. It was expected that this work would be completed before the funds expired- September 2016.

Also, during the fall site conditions started to reveal themselves. Napl was observed in soil cores and well cuttings. Source Soils were identified at and below the water table. State soil sampling work took place, but the state program limited soil sampling to only soils above the water table.

2016

By March 2016 the Tribe received notice that a different scope of work than the agreed August Task Order would take place in expedited fashion before funding disappeared. The work did include soil borings in the source area. The EPA contractor and EPA agreed that the method proposed (single tube geoprobe borings) would likely not be successful for collection of soil samples in the source area at depth below the water table. Unfortunately timing and contracting restrictions prohibited modifying the scope of work to be reflective of known site conditions. The work would need to go forward a few days after the Tribe received the Sampling Work plan for comment. The Tribe offered to pay for the addition of LIF tooling add-on ($3500/day) to make the scope of work more useful. Recovery below the water table was poor and a few questionable samples were collected. Soil Lab reports arrived after the EPA contract ended and have not yet been evaluated.

In March of 2016, EPA agreed to move forward with excavation interim action evaluation and planning. A report was expected to evaluate existing site data, determine degree and extent of source area, and interim action planning.

With the anticipation EPA soil data evaluation and , HRSC work was initiated by the State in July 2017. Although there was no work plan in place because of time constraints, it was agreed that the work (MIP or LIF or both) would include the source area and plume core. Unfortunately

the source area was largely avoided resulting in EPA lacking reasonable source area data to evaluate in the forthcoming report. During the weeklong HRSC work and thereafter, The Tribe expressed concerns that the EPA contractor lacked source area data needed for the already contracted forthcoming interim action excavation report (the only source area data was 2 questionable soil samples, no source bottom depth established). With the importance of source area work a priority of the Tribe, the Tribe offered to conduct source area work with HRSC . The Tribe sought technical assistance from EPA and EPA's contractor and completed LIF work in early September 2017. Although Mr. Egan was invited and encourage to be present for this work, Mr. Egan was not available for the data gap source area work. The LIF report was received on September 20, 2017 and provided to EPA for inclusion in source area excavation planning. Mr. Egan advised that the Tribal data would not be included in EPA's interim action evaluation, but EPA's contractor choose to include the LIF data in their evaluation.

EPA Acting Regional Director participated in a call with Tribal Council on November 29, 2016 and Tribal Council expressed concerns that source soil removal had yet to be initiated. Regional Director Kaplan assured council that a source control was planned for this summer.

2017

EPA-Tribe facilitated technical meeting occurred in February and March. For EPA to move forward on source area interim action excavation planning, a feasibility study was needed and identified as an actionable task (see attached Feb 23rd meeting notes).

The Excavation Feasibility Study is referenced in EPA's March 20, 2017 letter with an anticipated completion date of summer 2017 (attached).

EPA notified the Tribe that the Excavation Feasibility Task Order was moving forward in an May 24th email.

During the May 25th tech meeting call, Mr. Egan reports that the Task Order that includes the Excavation Feasibility Study has been delayed due to HQ Backlog.

During a June 30th call with EPA, the Tribal Staff learned that the task order may not have been submitted to headquarters.

Your assistance is appreciated,

Sincerely,

Kristen Hanson

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