To: Wildcat Sr., Joseph[JWildcatsr@ldftribe.com]
Cc: Kaplan, Robert[kaplan.robert@epa.gov]; Lowery, Brigid[Lowery.Brigid@epa.gov]; lwawronowicz@ldftribe.com[lwawronowicz@ldftribe.com]; LaBarge, Beverly[blabarge@ldftribe.com]
From: Harris, Michael
Sent: Tue 10/3/2017 11:05:03 PM
Subject: Tower Standard/Haskell Lake Petroleum Contamination Site Draft Pilot Test Plan
Draft Tower Standard Pilot Test Plan.pdf

Dear President Wildcat,

Thank you for your follow-up email. We appreciate the Tribe's expedited review and comments on the Work Plan. We have incorporated them to the extent possible, when preparing the draft Pilot Test Plan. As previously discussed, I am attaching with this email the Pilot Test Plan, which is based in part on that Work Plan. Please review and comment on this document which provides a more detailed description of the work to be done for this Pilot Test. We have a short time frame to accomplish this scope of work and need to receive any comments the Tribe may have on this document within two business days.

At this time, I need to call to your immediate attention to two critical issues. We believe that the two issues discussed below, if left unaddressed, will immediately halt the progress we have been making with respect to evaluating interim remedial activities at the site. I want to emphasize that EPA is prepared to take the next steps, but will be unable to do so unless there is a resolution of the issues described below.

Location of the Excavation Pilot Test

As you know, EPA proposed in the September 19, 2017 Work Plan to conduct an excavation Pilot Test on the Sundbergs' property, in what we believe to be an area that is not impacted by the contamination. The Lac du Flambeau Tribe disagreed with EPA's proposed location, and on September 27th, the Tribe notified EPA that the Tribal Council had adopted a resolution that requires the excavation portion of the Pilot Test to be conducted within a contaminated area. However, as I stated in the September 27th teleconference with you and your staff, there are significant costs associated with handling, hauling, and disposing of contaminated groundwater and soil in a contaminated area. Pursuant to our current estimates, the cost of producing an Interim Measures / Corrective Measures Study report, and the cost of performing the Pilot Test for AS/SVE and excavation as proposed by EPA, have already resulted in the commitment of all available federal funding for all Region 5 tribal LUST sites.

The placement in an area not impacted by the contamination will support the evaluation of the feasibility of excavation for source area remediation at the Site. Therefore, while we have considered the Tribe's comments and resolution regarding the Tribe's preferred excavation location, as stated in the attached draft Pilot Test Plan, the excavation pilot is in an area not impacted by the contamination.

Access

To date, EPA has not been able to secure access to conduct the Pilot Test on the Sundbergs' property. As I have informed you in the past, EPA must obtain its own, direct access to conduct work before EPA can proceed. My staff has contacted the Sundbergs on numerous occasions to request access. In response, Ms. Lisa Sundberg specifically told us to work through the Lac du Flambeau Tribe. If EPA does not obtain its own access to the Sundbergs' property -- by directly communicating with the property owner -- EPA will not be able to proceed with any excavation, well installation, or other investigative or cleanup work on that property.

Thank you for your continued communication and partnership on this matter. We look forward to receiving your comments on the Pilot Test Plan and resolving these issues as expeditiously as possible so that we can continue to make progress at the site.

Attachment

1) Draft Pilot Test Plan with Appendices:

a. Health and Safety Plan

b. Sampling and Analysis Plan (including Tetra Tech SOP)

c. Pilot Study Field Forms

Michael D. Harris

Deputy Director

Land and Chemicals Division

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