UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 20 2017

REPLY TO THE ATTENTION OF:

Ms. Darsi Foss
Director
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
101 South Webster Street, Box 7921
Madison, Wisconsin 53707-7921

Dear Ms. Foss:

Thank you for your letter dated February 28, 2017, concerning remediation of the Tower Standard leaking underground storage tank (LUST) site and the role of the Petroleum Environmental Cleanup Fund Act (PECFA) in the clean-up work. The U.S. Environmental Protection Agency shares your interest in utilizing available resources to complete clean-up activities in a timely manner. We also understand your concern that remaining investigative and remedial activities take place before the June 30, 2020 PECFA sunset date to take advantage of the funding available under the PECFA program.

EPA acknowledges that WDNR, like the other governments involved at the site, has its own set of regulatory requirements to consider. As we have indicated in previous correspondence, the federal LUST program applies within reservation boundaries, even when the contaminated property is owned by non-tribal members, and the Lac du Flambeau Band of Lake Superior Chippewa (LDF or the Tribe) has the authority under its legal code to address threats to the environment on all lands and waters within the reservation. While each government involved in the site has its own set of requirements to consider, we share a common goal of protecting human health and the environment. Therefore, we continue to believe that timely coordination between all governments is of vital importance.

We acknowledge the significant steps taken by DNR, EPA and LDF in 2015 and 2016. We note your plan to continue work installing additional monitoring wells and piezometers to fill in the gaps in the site's groundwater monitoring network, and your statements about addressing the residual contaminant source area. We similarly are working on proposals related to the site investigation to fill data gaps and complete the monitoring well network so that decisions can be made regarding remedial actions.

EPA and LDF staff have had recent, productive technical discussions consistent with the federal trust responsibility toward tribes regarding a path forward. EPA and LDF have agreed to the following next steps, which are consistent with the goals described in your letter.

1. Monitoring Well Network: Completing the monitoring well network is essential, as existing data on site conditions is not complete. EPA and the Tribe will coordinate input

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on suggested sampling locations based on all available site data including the revised 3D graphic representative model of the ground water plume and communicate these to WDNR.

2. Site Characterization: Sufficient site characterization data exists to design a source interim action at the site. Implementing such an action is consistent with Tribal clean-up procedures. EPA is in the process of tasking the federal contractor with development of a feasibility study on excavation of source material. A draft report is expected in summer 2017.
3. Residual Contamination: Residual contamination will remain a concern following source removal, requiring additional monitoring, analysis and further potential remedial action.

EPA is in the process of finalizing its modeling information and will share it with WDNR once complete. We will also be sharing the Corrective Action Recommendations Technical Memo being prepared by Bristol which will follow that model finalization. We intend to share all reports with WDNR as they are finalized.

We agree that it is important that the three governments re-establish effective communication with regard to this site. We intend to schedule regular communication meetings to accomplish that goal so we may discuss monitoring well installation, source removal planning, longer-term site closure requirements, timetables and procedures. EPA and LDF staff found the use of a facilitator in their recent technical discussions to be very helpful. Accordingly, we suggest that the next meeting or conference call among WDNR, EPA and LDF staff be facilitated by Anthony Greenwater, Director, Tribal and International Affairs Office, EPA Region 5.

Please feel free to contact me or members of my staff with any questions that you have. I can be reached at (312) 886-7152.

Sincerely,

Ignacio L. Arrázola
Acting Director
Land and Chemicals Division