LAC DU FLAMBEAU BAND
OF LAKE SUPERIOR
CHIPPEWA INDIANS

TRIBAL NATURAL RESOURCE DEPARTMENT

P.O. BOX 67 LAC DU FLAMBEAU, WISCONSIN 54538 (715) 588-4213
2500 HWY. 47 NORTH FAX# (715) 588-3207

Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

July 17, 2015

Mr. John Robinson
WDNR
5301 Rib Mountain Drive
Wausau, WI 54401

RE: REI Soil Investigation Proposal
LDF TNR Site No. 004
WDNR BRRTS No. 03-64-127889

Mr. Robinson,

The Natural Resource Department (Department) submits these comments on behalf of the Lac du Flambeau Tribe in response to the REI Scope of Work (SOW) for the Soil Investigation Proposal dated June 24th, which was received by the Department on July 7th, 2015, and was subsequently the subject of a conference call among WDNR,, EPA, and the Department on July 13th, 2015. We submit these comments as a part of our ongoing cooperative relationship with WDNR as described in Mr. Du Bey's May 20th, 2015 letter to Mr. Quinn.

During the July 13 call, the Department noted that about half of the proposed boring locations identified in the SOW were up-gradient from the source and along an up-gradient and upgrade highway. Accordingly, the currently proposed SOW will provide little, if any, useful new soil data, and the limited number of samples, to be obtained in the source area, is not sufficient to support an accurate characterization of source soil area.

Moreover, the REI SOW does not provide for the development of additional needed groundwater data or an analysis and evaluation of the soil source area. In addition, the SOW does not provide for the evaluation of water within the fractured bedrock and does not provide for the development of useful data to inform the development of a viable conceptual site model.

Furthermore, the Department is concerned that the SOW does not provide for the development of any contaminant pathway data with which to evaluate potential ecological impact data. For example, the REI SOW does not evaluate impacts to either Haskell Lake or the broader potential area of ecological impact.

While the Department is sensitive to WDNR's concerns about potential delay, it is more important that the SOW—for the work to be performed—meet our joint program goal, which is the development of high quality data to inform the remedial decision-making process. Accordingly, the Department requests that WDNR consider the comments set out in this letter, as well as those previously submitted by EPA Region 5, and that we promptly schedule a call to discuss these technical concerns so that data generated, from the work to be performed, will be both cost effective and useful in informing the development of further remedial measures at the Site.

As previously discussed today, the Department expects to be notified in advance of any work to be performed at the Site so that it be present when any work is performed. Additionally, the Department expects to be provided with all written results and reports from this effort. We appreciate your cooperation and will likewise keep WDNR in the loop with regard to any additional work that the Department may perform at this site.

We are available for a call to discuss the development of a revised SOW early next week—will a call at 9am on July 21st be convenient?

Sincerely,

Kristen Hanson

Kristen Hanson
Environmental Response Program Coordinator/ Environmental Specialist

c: Dee Allen, LDF Environmental Director
Larry Warwonowicz, LDF Natural Resource Director
Sherry Kamke, EPA OUST
Bob Egan, EPA Corrective Action

715053.2/026843.00004