UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
SEP 04 2015

REPLY TO THE ATTENTION OF:

Darci Foss, Bureau Director
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
101 South Webster Street, P.O. Box 7921
Madison, Wisconsin 53707-7921

RE: Tower Standard Site, Lac du Flambeau Reservation

Dear Ms. Foss:

This letter responds to your August 19, 2015 correspondence about the Tower Standard Site on the Lac du Flambeau reservation. I appreciate your concern that any cleanup actions taken by the contractor funded by Wisconsin's Petroleum Environmental Cleanup Fund Award (PECFA) program be consistent with the State's rules for implementing that program.

The U.S. Environmental Protection Agency believes that the Wisconsin Department of Natural Resources (WDNR) actions in reviewing and approving work funded under the PECFA program at the site are appropriate in this case. The Lac du Flambeau Band of Lake Superior Chippewa and EPA have agreed that PECFA program assistance to the property owner is an appropriate and important aspect of our various offices' efforts to achieve successful results at the site. As such, the WDNR's actions are authorized, and jurisdictional issues need not arise.

Your letter contemplated requesting assistance from EPA at the Site under the One Cleanup Program Memorandum of Agreement (MOA) between EPA and WDNR. The One Cleanup MOA, however, only applies at sites outside of Indian country. Nevertheless EPA is, consistent with my previous correspondence, preparing to take action at the Site, and believes that doing so in cooperation with efforts funded under the State program is in the best interests of all parties. Toward that end, I again encourage WDNR to participate in a technical meeting with the Tribe and EPA regarding cleanup at the Site.

Sincerely,

Margaret M. Guerriero, Director
Land and Chemicals Division

cc: Larry Wawronowicz, Tribal Natural Resource Director, Lac du Flambeau Band
Richard A. Du Bey, Short, Cressman & Burgess PLLC

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