To: Jerimiah Rieman[jerimiah.rieman@wyo.gov]
Cc: Fay, Kate[Fay.Kate@epa.gov]; Cantor, Howard[cantor.howard@epa.gov]
From: Sussman, Bob
Sent: Tue 4/30/2013 10:58:52 PM
Subject: RE: Pavillion investigation

Jeremiah -- I got a report from Howard on today's meeting and would be interested in comparing notes, plus discussing your meeting with EnCana and the anticipated schedule for next steps. Do you have some time tomorrow for a chat?

From: Sussman, Bob
Sent: Thursday, April 11, 2013 3:00 PM
To: Jerimiah Rieman
Cc: Fay, Kate; Cantor, Howard
Subject: Pavillion investigation

Jeremiah:

Thank you and your colleagues for helping make our meeting on March 28 a productive one. We also appreciate the draft language you forwarded on Tuesday, which we've now had a chance to review,

As we agreed at the meeting, EPA is providing as an attachment to this email a targeted list of chemicals, beyond those having an EPA MCL or SMCL, for the State to analyze when it evaluates existing data, conducts additional sampling of domestic water wells and evaluates the need for further sampling. These are chemicals with a health effects profile and have EPA-issued Risk-Based Screening Levels (RSLs) except in one instance (where there is an ATSDR health advisory level). In general, we believe that RSLs are appropriate for identifying contaminant levels of potential concern and should also be used for chemicals with MCLs. The attachment lists the RSLs for contaminants with MCLs as well as those without MCLs.

During the meeting, EPA also agreed to recommend expertise for the third party review team. We suggest that the team reviewing the Domestic Water Wells Palatability Study possess hydrogeologic, geochemical and toxicological expertise. For the Wellbore Integrity Study, we recommend including petroleum engineering and hydrogeology expertise. As we discussed at our meeting, EPA would like the opportunity to suggest candidate experts in these areas to the State and consult with you as you select the third-party teams. As you refine your written description of the two studies, we would suggest further clarifying the role of the third-party teams. In addition to reviewing and commenting on draft reports, EPA would hope the third-

parties will evaluate existing data and offer guidance on the scope of further study and monitoring.

Your revised description of the proposed DEQ investigation is helpful in clarifying the information that will be addressed in the DEQ report, including the wellbore integrity and pits studies. Based on our discussions and earlier drafts, we assume that the report will also make recommendations for further monitoring and other testing, including if appropriate additional groundwater monitoring wells. At our meeting, we urged the State to develop a more detailed discussion (perhaps in the form of a decision-tree) that would describe the factors that would be considered in determining the need for and scope of further monitoring or other study. We hope you are still open to providing this discussion. It would also be helpful to add language confirming that EPA (and presumably) EnCana would have an opportunity to comment on the draft report.

Your revised description of the DEQ investigation does not mention any consideration of the groundwater monitoring data developed by EPA and USGS. I believe that, at our meeting, DEQ expressed some openness to considering these data (at least for MW01) and we hope some language to that effect might be included in your draft. The MW02 situation is worthy of further discussion, as I mentioned in our call last week, and I hope we can address it in our next call or meeting.

We appreciate the clarification that there will a pits report as well as one on well-bore integrity and that EPA and other parties will have an opportunity to provide information for consideration in developing these reports. At our meeting,

EPA agreed to provide the State our wellbore integrity analysis and pit/surface impoundment data for this purpose. Within the next week, we will provide an estimate of when we expect to have these products completed and to you.

We also appreciate the State's commitment to conduct annual testing and analysis of the Pavillion load-out station. This will be critical if the station will be used to supply water for the cisterns that the State is offering to provide to Pavillion residents. in this regard, it was helpful in our last call to get your thinking on how long-availability of water for the cisterns would be assured and what funding mechanism would be used. EPA is interested in nailing down these details and is hopeful that sufficient funding will be provided to support a twenty-year supply of water to the residents.

As a next step, we would propose that the state prepare a new version of the key documents reflecting your revisions and our suggestions. Before you finalize the draft, we'd be happy to set up a call to address any questions. Once we have a new draft, we would review it promptly and offer any further edits that are necessary. We should then have a meeting to resolve remaining issues and agree on next steps. As discussed at our meeting, this should include a plan for rolling out and communicating to residents and stakeholders the goal and scope of the state's program.

As we've discussed, EPA also looks forward to consulting with the Tribes once we are in alignment with the State about the elements of the proposed program. This is of critical importance to us given the government to government relationship we have with the Tribes. Please note that EPA's transmittal of these comments and materials to the State is intended to convey our technical considerations only and should not be construed as setting forth any position regarding the exterior boundaries of the Wind River Reservation or the exercise of State authorizes in this area.

We look forward to hearing from you soon. Thanks for your time and efforts.

Bob Sussman

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