From: Jennings, Jannine
Sent: Thursday, December 19, 2013 3:55 PM
To: Sheldrake, Beth
Cc: Rochlin, Kevin; Solis, Ricardo
Subject: FW: Another Attempt at the Cooperative Agreements
Attachments: FMC 2014 workplan December 11 wEPA Comments.doc; OffSite 2014 workplan December version 1.doc; Simplot 2014 workplan December revision.doc; OffSite 2014 workplan December EPA comment draft.doc; Simplot 2014 workplan December EPA Cmmt DFT 12-19-13.doc

Categories: 11-19 to 1-10 2014

Beth and Kevin,

I set up a call with Kelly for 9 am tomorrow (Friday) ==➔ Kevin, we know you're in the field and not available

I've attached my draft markup of the off-site and Simplot work plans. We can discuss in the am if needed. I have copies with me at home in case the snow delivers a gift. My home # is 206-366-9284.

What I propose in the attachments is to allow a total of 60 hours for development of DQOs, QAPP and SAPP **if** we agree to the need following a meeting. One plan could be developed to cover all the sampling but costs would be split between applicable sites. Thus, the proposed (but as now unfunded) budget item would be 60 hours for each site - EPA would define total hours upon secondary action after we agree to sampling. I'm open to other ways to handle this -- this is just my idea of how to cover our bases.

To the Tribe's latest Simplot and off-plant proposals, I recommend specifying deliverables as in most recent FMC work plan (Identify work done and hours spent on each document/activity). Furthermore, I defined for each task the total hours I would like to see us fund. The numbers used are consistent with what we've been saying previously.

If we get the $ amounts, documentation required in deliverables, and monitoring issues resolved, I think I'm good with moving forward.

Jannine

Jannine Jennings
EPA Remedial Project Manger
206-553-2724
jennings.jannine@epa.gov

From: Kelly Wright [mailto:kwright@sbtribes.com]
Sent: Friday, December 13, 2013 2:54 PM
To: Rochlin, Kevin; Jennings, Jannine; Sheldrake, Beth
Cc: Virginia Monsisco; susanh@ida.net
Subject: Another Attempt at the Cooperative Agreements

Good day everyone, please find attached copies of the three different components to the EMF Cooperative Agreement or individual agreements. Let me know if these work for you guys and I will get the other paperwork completed. Can the November charges be covered under this?
Thanks
Kelly

2014 Simplot Operable Unit
Cooperative Agreement Work Plan

Summary of the Project

In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, Section 104, the Shoshone Bannock Tribes are submitting their 2014 Cooperative Agreement Work Plan. As part of this work plan, the Tribes are putting forth an abstract of activities we are intending to undertake this fiscal year. These activities include but not limited to: providing oversight for investigations; studies; and cleanup of the Eastern Michaud Flats Superfund Site. This work plan solely provides support to the Tribes for activities undergoing at the JR Simplot Don Plant Operable Unit.

Activities described in the work plan will be conducted in accordance with Section 104, of CERCLA, as amended; and will be executed by the Shoshone Bannock Tribes Environmental Waste Management Program.

This narrative and scope of work includes tasks, deliverables and budget that have been defined for this program. The task specific scope of work identifies the anticipated activity and projected due dates for 2014 (November 1, 2013 through October 30, 2014).

EASTERN MICHAUD FLATS

Background:

The Eastern Michaud Flats Superfund Site covers approximately 2,530 acres northwest of Pocatello, Idaho. It includes two adjacent phosphate ore processing facilities. The former FMC Corporation operated a facility from the early 1940's until December 2001. The J.R. Simplot Company Don Plant is still an active facility. EPA issued a Record of Decision (ROD) for the site in 1998. A Supplemental Remedial Investigation and Feasibility Study (RI/FS) was issued in 2010 for the FMC portion of the site, while groundwater remediation at the Simplot site is ongoing.

Current and Future Activities - Simplot OU

The Simplot OU work will include but not limited to Infrastructure Improvement Plan, various Phases of the Liner Construction, PAP Subsurface Investigation, Quarterly Groundwater Reports, Annual Report, Extraction System Operation and Maintenance Plan. Each of these projects includes reviewing documentation, data, and providing comments.

Simplot Don Plant is working on a new fluoride recovery system which is designed to reduce the fluoride emissions. This may or may not impact the Off-Plant OU. Current Toxic Release Inventory reports submitted by the J.R. Simplot Company indict that

emissions impact off plant area record much higher metal releases than previously reported.

Comment [A1]: Delete -- No activities will be funded for this as not CERCLA activity – TSCA & CAA

Through new investigations at Simplot, new releases of hazardous waste have been identified which could be posing additional constituents being added back into the groundwater. Phosphoric acid was noted so metals may be being mobilized. The Tribes proposed to conduct quarterly groundwater sampling periodically and will discuss this request with EPA.

Staff and contract employees will work on all tasks within the Simplot OU of EMF site including conducting sampling, review documents, communicate issues with public and policy makers, schedule meetings, attend meetings and other tasks in compliance with this workplan

Task 1: Document Review.

Review and comment on new documents submitted in compliance with EPA's CERCLA actions. Evaluate the routine monitoring, either weekly, monthly or quarterly. Continue to exam the groundwater and other regular reports being generated. Assist with various issues resolutions identified during these investigations or activities.

Deliverables: Tribal comments will be provided on a regular basis such as the proposed Lateral Expansion of the phosphor-gypsum stack. This includes but not limited to: project updates for the Simplot OU, RD/RA Monthly Progress Reports, PAP Area Source Control Reports, Groundwater Monitoring Monthly Reports and Annual GW Report.

Specific reports reviewed and activities conducted each quarter, along with the number of hours spent on each activity, will be reported in the quarterly reports.

Task 2: Supplemental Groundwater Monitoring

Comment [A2]: Move to Task 1 -- duplicative

Tribes want to ensure the remedial actions proposed and undertaken are protective of Tribal reservation resources including human health and the environment. To this, the Tribes propose developing a Quality Assurance Project Plan which will identify specific data quality objectives for sampling of groundwater and surface water to truth the models and assumptions regarding groundwater travel. At this point, the Tribes are preparing the necessary documentation to allow collection of these samples. At this point in time, we will only be requesting resources to prepare the documents and include discussions with EPA on helping develop the DQOs and sampling locations. If this document gets final approval prior to the end of the grant, the Tribes will be requesting additional resources to get these sampling events started.

Analyses will include total metals and radionuclides including gross alpha, gross

beta, uranium 238, radium 226, radium 228, Phase II drinking water metals, phase IV drinking water metals, nitrate, total ammonia, total phosphate, orthophosphate, fluoride, potassium, cyanide and sulfate.

Deliverables: IN addition, the Tribes will submit a draft QAPP to EPA for reviewing and perform comment resolution to resolve any concerns. After which, both the EPA and Tribes will have a final signed copy of the QAPP.

Comment [A3]: Move to task 1 - duplicative

Specific activities conducted each quarter, along with the number of hours spent on each activity, will be reported in the quarterly reports.

Task 3: Public Involvement - Communications.
Provide updates to public, policy makers, and membership on current progress, issues and respond to questions, concerns if any.

Deliverables: Provide monthly updates to the Fort Hall Business Council and the Land Use Policy Commissioners (Tribal Policy makers). Program has been asked to also include the Water Commissioners since some of these activities are impacting or can impact the Reservation water.

Specific activities conducted each quarter, along with the number of hours spent on each activity, will be reported in the quarterly reports.

Task 4: Project Management.
Quarterly reporting (1/31, 4/30, 7/31, 10/31.); participate in project meetings (e.g, the annual CERCLA meeting) as necessary; budget and resource management planning and coordination.

Deliverables: Quarterly reports will be submitted no later than 30 days after the end of each of the respective quarters. Monthly budget sheets will be used for tracking the draw downs and corresponding directly with the Tribal Finance Department making sure resources are accurately accounted for. Annual submittal of the Simplot Component of the EMF Cooperative Agreement to the appropriate EPA staff for their review.

Hours to be reported in quarterly reports. Quarterly reports to provide a summary of hours spent under each task for the quarter and year-to-date.

SBT Estimated Hours – East Michaud Flats - Simplot OU		**Contractor Hours**
Task 1: Document Reviews		160 total

Task 2: Supplemental Monitoring-		60 total
Task 3: Public Involvement - Communications		80 total
		-
Task : Project Management	80	0
Total		

Totals ➔ Task 1 – 160 hours
Task 2 – 60 hours Task 1, 2 & 3 to be split between Tribes & contract
Task 3 -- 80 hours
Task 4 – 80 hours

Total of 380 hours ($33,250)

SBT Estimated Costs – Eastern Michaud Flats - Simplot OU	
Personnel	$12,968.00
Fringe Benefits	$3,491.53
Travel	$1,124
Supplies	$1,799.38
Contractual – Contractor (248 hrs at $87.50/hr)	$21,700
Indirect Charges	$4,495.10
Equipment	$500.00
Total	**$46,078.00**

OffSite 2014 workplan December EPA comment draft.doc

2014 Off-Plant Operable Unit
Cooperative Agreement Work Plan

Summary of the Project:

In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, Section 104, the Shoshone Bannock Tribes are submitting their 2014 Cooperative Agreement Work Plan. As part of this work plan, the Tribes are putting forth an abstract of activities we are intending to undertake this fiscal year. These activities include but not limited to: providing oversight for investigations; studies; and cleanup of the Eastern Michaud Flats Superfund Plant. This work plan solely provides support to the Tribes for activities undergoing at the Off-Plant Operable Unit.

Activities described in the work plan will be conducted in accordance with Section 104, of CERCLA, as amended; and will be executed by the Shoshone Bannock Tribes Environmental Waste Management Program.

This narrative and scope of work includes tasks, deliverables and budget that have been defined for this program. The task specific scope of work identifies the anticipated activity and projected due dates for 2014 (December 1, 2013 through November 30, 2014).

EASTERN MICHAUD FLATS

Background:

The Eastern Michaud Flats Superfund Site covers approximately 2,530 acres northwest of Pocatello, Idaho. It includes two adjacent phosphate ore processing facilities. The former FMC Corporation operated a facility from the early 1940's until December 2001. The J.R. Simplot Company Don Plant is still an active facility. EPA issued a Record of Decision (ROD) for the site in 1998. A Supplemental Remedial Investigation and Feasibility Study (RI/FS) was issued in 2010 for the FMC portion of the site, while groundwater remediation at the Simplot site is ongoing.

The Site includes the Simplot Don Plant and adjacent Simplot-owned land (the Simplot OU), the former area of operation of the FMC Elemental Phosphorus Plant and adjacent FMC-owned land (the FMC OU), and land surrounding the Simplot and FMC Site OUs that may have been impacted by airborne releases from the two facilities (Off-Plant OU; see Figure 1-1).

The EMF Site was placed on the National Priorities List (NPL) in 1991. The Remedial Investigation (RI) Report was completed in 1996 (Bechtel Environmental Inc. [BEI] 1996), the Feasibility Study (FS) Reports for each of the Site areas were completed in 1997 (BEI 1997, MFG 1997) and EPA issued the Record of Decision (ROD) in 1998

(EPA 1998a). Remedial design/remedial action (RD/RA) consent decrees that included actions in the Off-Site OU were signed by both Simplot and FMC, however, they were not signed by the EPA due to challenges by the Shoshone-Bannock Tribes. Currently, Simplot is in the process of implementing a RD/RA Consent Decree for the Simplot Plant Area (EPA 2002) and FMC is performing a supplemental RI/FS. No remediation actions have been implemented in the Off-Plant OU.

In 2008, a series of meetings were held between the EPA, Idaho Department of Environmental Quality (IDEQ), Shoshone-Bannock Tribes, Simplot and FMC to identify and resolve issues associated with the Off-Plant OU. These include EPA concerns with fluoride, particularly with the 1995 ERA. As a result of these concerns, a reassessment of potential risk from fluoride was proposed. The first phase of the reassessment was presented in the Draft Reassessment of Ecological Risks from Fluoride (NewFields 2008a). To support the reassessment, a draft report that provided a summary of studies and associated data and findings related to fluoride in the Off-Plant OU was prepared in August 2008 (NewFields 2008b). Since the initial ERA was prepared by EPA prior to the release of the most recent EPA ERA guidance documents (EPA 1997, 1998b), the reassessment was intended as an update to the original ERA using current guidance and updated toxicological information. The reassessment concluded that the updated process reduced uncertainty compared to the 1995 ERA evaluations. Where the 1995 ERA concluded risk to several measurement receptors, the risk reassessment concluded that receptors are likely at low risk from exposure to fluoride.

Based on the results of the Phase I reassessment, EPA requested that additional data be collected to provide an updated estimate of fluoride exposure to ecological receptors and to provide a more detailed evaluation of the toxicity of fluoride to birds and mammals. A SAP (Phase II) was completed and approved in 2009 (NewFields 2009) followed by a field investigation (Phase III). A detailed discussion of the available toxicity data for effects of fluoride on birds and mammals was completed and approved on a parallel track (Formation Environmental 2009).

In the summer of 2013, the Shoshone Bannock Tribes collected soil and vegetation samples across the Fort Hall Reservation where elevated concentrations of fluorides and various total metals were detected. Some of these levels were much higher than those levels detected in the forage reports. Tribes looked at vegetation used culturally and these results ended up exceeding the State of Idaho's forage standard. Some concerns were identified that no human consumption rates have been established and how do these elevated levels impact Tribal members.

In the first draft of the EMF Cooperative Agreement, the Tribes requested additional resources to assist with continued sampling efforts addressing some of the earlier detected concentrations in cultural plants. The USDA Laboratory in Logan, Utah has worked on a variety of analyses for vegetation so we will be working with them to see how these concentrations compare to some of their existing data.

TASK #1: Current Activities - Off-Plant

The Off Plant OU work will consist of reviewing analytical data received and reported during 2014. Several forage locations exceeded the State of Idaho Standards and it has been noted that these exceedances are increasing. 45 exceedances have been detected at different locations over the past twenty years with increasing numbers of violations per year over time. This is alarming since the only available standard in the State of Idaho is forage which continues to be exceeded.

Specific activities conducted each quarter and the number of hours spent on each activity will be reported in the quarterly reports.

TASK #2: Supplemental Monitoring

The Tribes will meet with EPA to discuss proposed supplemental monitoring for the Off-Site OU. If, following that meeting, EPA agrees to the Tribes' request for such monitoring, Data Quality Objectives (DQOs), Quality Assurance Project Plan (QAPP) and a Sampling and Analysis Plan (SAPP) will be prepared. Following approval of the above, the Tribes will request an amendment to this agreement to fund approved sampling.

Specific activities conducted each quarter and the number of hours spent on each activity will be reported in the quarterly reports.

TASK #3: Project and Community Involvement

Provide regular updates to policy makers and inform the community on an annual basis.

Specific activities conducted each quarter and the number of hours spent on each activity will be reported in the quarterly reports.

TASK #4: Project Management

Quarterly reporting (3/31, 6/31, 9/31, 11/30.); budget and resource management planning and coordination; and participate in project meetings as necessary.

Hours to be reported in quarterly reports.

SBT Estimated Hours – East Michaud Flats - Off-Plant		**Contractor Hours**
Task 1: Current Activities		50 total
Task 2: QAPP Development		60 total
Task 2: Project / Community Involvement		20 total
Task 3: Project Management	32	
Total Hours	272	108

OffSite 2014 workplan December EPA comment draft.doc

Total hours ➔ 162 to be split between Tribes and Contractor
(if all @ contractor rate = $14, 175)

SBT Estimated Costs – Eastern Michaud Flats - Off-Plant	
Personnel	$7,502.51
Fringe Benefits	$2,019.99
Contractual (108 hours at $87.5/hr)	$9,450.00
Indirect Charges	$2600.59
Total	**$21,573.09**

2014 Simplot Operable Unit
Cooperative Agreement Work Plan

Summary of the Project

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Simplot Don Plant is working on a new fluoride recovery system which is designed to reduce the fluoride emissions. This may or may not impact the Off-Plant OU. Current

Toxic Release Inventory reports submitted by the J.R. Simplot Company indict that emissions impact off plant area record much higher metal releases than previously reported.

Through new investigations at Simplot, new releases of hazardous waste have been identified which could be posing additional constituents being added back into the groundwater. Phosphoric acid was noted so metals may be being mobilized. The Tribes proposed to conduct quarterly groundwater sampling periodically but EPA does not agree with that this warrants any additional groundwater samples be collected.

Staff and contract employees will work on all tasks within the Simplot OU of EMF site including conducting sampling, review documents, communicate issues with public and policy makers, schedule meetings, attend meetings and other tasks in compliance with this workplan

Task 1: Document Review.
Review and comment on new documents submitted in compliance with EPA's CERCLA actions. Assist with various issues resolutions identified during these investigations or activities.

Deliverables: Tribal comments will be provided on a regular basis such as the proposed Lateral Expansion of the phosphor-gypsum stack,

Task 2: Quarterly Groundwater Monitoring and Reports.
Evaluate the routine monitoring, either weekly, monthly or quarterly. Continue to exam the groundwater and other regular reports being generated.

Tribes want to ensure the remedial actions proposed and undertaken are protective of Tribal reservation resources including human health and the environment. To this, the Tribes propose developing a Quality Assurance Project Plan which will identify specific data quality objectives for sampling of groundwater and surface water to truth the models and assumptions regarding groundwater travel. At this point, the Tribes are preparing the necessary documentation to allow collection of these samples. At this point in time, we will only be requesting resources to prepare the documents and include discussions with EPA on helping develop the DQOs and sampling locations. If this document gets final approval prior to the end of the grant, the Tribes will be requesting additional resources to get these sampling events started.

Analyses will include total metals and radionuclides including gross alpha, gross beta, uranium 238, radium 226, radium 228, Phase II drinking water metals, phase IV drinking water metals, nitrate, total ammonia, total phosphate, orthophosphate, fluoride, potassium, cyanide and sulfate.

Deliverables: This includes but not limited to: project updates for the Simplot OU, RD/RA Monthly Progress Reports, PAP Area Source Control Reports, Groundwater Monitoring Monthly Reports and Annual GW Report. IN addition, the Tribes will submit a draft QAPP to EPA for reviewing and perform comment resolution to resolve any concerns. After which, both the EPA and Tribes will have a final signed copy of the QAPP.

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Provide updates to public, policy makers, and membership on current progress, issues and respond to questions, concerns if any.

Deliverables: Provide monthly updates to the Fort Hall Business Council and the Land Use Policy Commissioners (Tribal Policy makers). Program has been asked to also include the Water Commissioners since some of these activities are impacting or can impact the Reservation water.

Task 4: Project Management.
Quarterly reporting (1/31, 4/30, 7/31, 10/31.); participate in project meetings (e.g, the annual CERCLA meeting) as necessary; budget and resource management planning and coordination.

Deliverables: Quarterly reports will be submitted no later than 30 days after the end of each of the respective quarters. Monthly budget sheets will be used for tracking the draw downs and corresponding directly with the Tribal Finance Department making sure resources are accurately accounted for. Annual submittal of the Simplot Component of the EMF Cooperative Agreement to the appropriate EPA staff for their review.

SBT Estimated Hours – East Michaud Flats - Simplot OU		**Contractor Hours**
Task 1: Document Reviews	160	120
Task 2: Quarterly GW Monitoring- Reports	40	20
QAPP Development and Documentation	120	48
Task 3: Community Involvement	80	60
Task 4: Project Management	80	0
Total	480	248

SBT Estimated Costs – Eastern Michaud Flats - Simplot OU	
Personnel	$12,968.00
Fringe Benefits	$3,491.53
Travel	$1,124
Supplies	$1,799.38
Contractual – Contractor (248 hrs at $87.50/hr)	$21,700
Indirect Charges	$4,495.10
Equipment	$500.00
Total	**$46,078.00**

OffSite 2014 workplan December version 1.doc

2014 Off-Plant Operable Unit
Cooperative Agreement Work Plan

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The Site includes the Simplot Don Plant and adjacent Simplot-owned land (the Simplot OU), the former area of operation of the FMC Elemental Phosphorus Plant and adjacent FMC-owned land (the FMC OU), and land surrounding the Simplot and FMC Site OUs that may have been impacted by airborne releases from the two facilities (Off-Plant OU; see Figure 1-1).

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(EPA 1998a). Remedial design/remedial action (RD/RA) consent decrees that included actions in the Off-Site OU were signed by both Simplot and FMC, however, they were not signed by the EPA due to challenges by the Shoshone-Bannock Tribes. Currently, Simplot is in the process of implementing a RD/RA Consent Decree for the Simplot Plant Area (EPA 2002) and FMC is performing a supplemental RI/FS. No remediation actions have been implemented in the Off-Plant OU.

In 2008, a series of meetings were held between the EPA, Idaho Department of Environmental Quality (IDEQ), Shoshone-Bannock Tribes, Simplot and FMC to identify and resolve issues associated with the Off-Plant OU. These include EPA concerns with fluoride, particularly with the 1995 ERA. As a result of these concerns, a reassessment of potential risk from fluoride was proposed. The first phase of the reassessment was presented in the Draft Reassessment of Ecological Risks from Fluoride (NewFields 2008a). To support the reassessment, a draft report that provided a summary of studies and associated data and findings related to fluoride in the Off-Plant OU was prepared in August 2008 (NewFields 2008b). Since the initial ERA was prepared by EPA prior to the release of the most recent EPA ERA guidance documents (EPA 1997, 1998b), the reassessment was intended as an update to the original ERA using current guidance and updated toxicological information. The reassessment concluded that the updated process reduced uncertainty compared to the 1995 ERA evaluations. Where the 1995 ERA concluded risk to several measurement receptors, the risk reassessment concluded that receptors are likely at low risk from exposure to fluoride.

Based on the results of the Phase I reassessment, EPA requested that additional data be collected to provide an updated estimate of fluoride exposure to ecological receptors and to provide a more detailed evaluation of the toxicity of fluoride to birds and mammals. A SAP (Phase II) was completed and approved in 2009 (NewFields 2009) followed by a field investigation (Phase III). A detailed discussion of the available toxicity data for effects of fluoride on birds and mammals was completed and approved on a parallel track (Formation Environmental 2009).

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TASK #1: Current Activities - Off-Plant

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TASK #2: QAPP Development

TASK #3: Project and Community Involvement

Provide regular updates to policy makers and inform the community on an annual basis.

TASK #4: Project Management

Quarterly reporting (3/31, 6/31, 9/31, 11/30.); budget and resource management planning and coordination; and participate in project meetings as necessary.

SBT Estimated Hours – East Michaud Flats - Off-Plant		**Contractor Hours**
Task 1: Current Activities	80	40
Task 2: QAPP Development	120	48
Task 2: Project / Community Involvement	40	20
Task 3: Project Management	32	
Total Hours	272	108

SBT Estimated Costs – Eastern Michaud Flats - Off-Plant	
Personnel	$7,502.51
Fringe Benefits	$2,019.99
Contractual (108 hours at $87.5/hr)	$9,450.00
Indirect Charges	$2600.59
Total	**$21,573.09**

2014 FMC Operable Unit
Cooperative Agreement Work Plan

Summary of the Project

In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, Section 104, the Shoshone Bannock Tribes are submitting their 2014 Cooperative Agreement Work Plan. As part of this work plan, the Tribes are putting forth an abstract of activities we are intending to undertake this fiscal year. These activities include but not limited to: providing oversight for investigations; studies; and cleanup of the FMC Operable Unit.

Activities described in the work plan will be conducted in accordance with Section 104, of CERCLA, as amended; and will be executed by the Shoshone Bannock Tribes Environmental Waste Management Program.

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Background:

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This site consists of three operable units: FMC OU, Simplot OU and Off-Plant property. A 1998 ROD was completed to address the EMF site. Current efforts are ongoing to design and implement these remedies and conduct supplemental investigations as needed..

In 2006 and again in June 2010, EPA issued a Unilateral Administrative Order requiring FMC to conduct removal actions to abate an imminent and substantial endangerment to the public health or welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the RCRA pond area of this site. Phosphorus within the RCRA Units has been reacting and generating phosphine at concentrations which could pose a significant human health risk if the gas escapes to ambient air.

As for the September 2012 Interim Record of Decision Amendment, FMC will begin work through a Unilateral Administrative Order from EPA issued in 2013.

The FMC OU is the former FMC elemental phosphorus manufacturing plant, consisting of approximately 1,450 acres in southeastern Idaho, northwest of Pocatello, most of which is on the Fort Hall Indian Reservation. This land has been zoned and used for industrial purposes since the 1940s.

FMC began processing phosphate ore and manufacturing elemental phosphorus at its plant in 1949 and continued until the plant ceased operations in December 2001, and was demolished. Plant processes included the use of surface impoundments as waste ponds for ignitable-reactive elemental phosphorus and other metals-containing and gamma-emitting wastes. Many of these impoundments are RCRA regulated units. Those that are not RCRA regulated units are part of the FMC OU. FMC also used Waste Material (predominately gamma-emitting slag) as fill to grade its property and expand its operations area.

Ignitable-reactive elemental phosphorus and other hazardous substances containing wastes, including high concentrations of arsenic, along with gamma radiation are in FMC OU soils and groundwater.

The decision by EPA on the interim remedial action to be implemented at the FMC OU is embodied in an Interim Record of Decision ("Interim ROD Amendment"), executed on September 27, 2012, on which the Tribes did not concur, and on which the State concurred. The Interim ROD Amendment includes a responsiveness summary to public comments, including all formal Tribal comments. Notice of the final plan was published in accordance with Section 117(b) of CERCLA, 42 U.S.C. § 9617(b).

The FMC OU will include finalization of the Interim Record of Decision Amendment including remedial design. The Tribes plan to submit written concerns on the FMC OU Proposed Plan response to comment to ensure the administrative record accurately reflects Tribal comments and concerns.

The Tribes will be providing oversight during this entire process. Tribes are using the projected details provided by FMC for the Remedial Design Work Plan. As the activities are completed the annual Cooperative Agreement will be amended. Elements of the projected work are as follows:

1. Remedial Action

I. <u>Design and Construction Elements</u>

- Placement of evapotranspiration caps
- Placement of soil caps
- Excavation of soil from Parcel 3
- Cleaning underground concrete piping
- Installation of the groundwater extraction system

- Installation of engineering controls
- Integration of existing RCRA pond caps with new caps

II. <u>Monitoring Elements</u>

- Implementation and monitoring of institutional controls
- Implementation of a long-term groundwater monitoring plan
- Implementation of a gas monitoring program
- Implementation of a FMC OU-wide storm water runoff monitoring plan

III. <u>Operation and Maintenance Elements</u>

- Implementation of an operation and maintenance plan.

2. Construction Quality Assurance/Quality Control Plan must:

(i) Identify, and describe the responsibilities of, the organizations and personnel implementing the quality assurance/quality control ("QA/QC");
(ii) Describe verification activities, such as inspections, sampling, testing, monitoring, and production controls, under the QA/QC;
(iii) Describe industry standards and technical specifications used in implementing the QA/QC;
(iv) Describe procedures for tracking construction deficiencies from identification through corrective action;
(v) Describe procedures for documenting all QA/QC activities; and

<u>3. Emergency Response Plan ("ERP")</u> must include:

(i) Name of the person or entity responsible for responding in the event of an emergency incident;
(ii) Plan and date(s) for meeting(s) with all appropriate authorities under the circumstances, including emergency response personnel and hospitals if relevant;
(iii) Spill Prevention, Control, and Countermeasures (SPCC) Plan;
(iv) Notification activities in the event of a release of hazardous substances requiring reporting under Section 103 of CERCLA, 42 U.S.C. § 9603, or Section 304 of the Emergency Planning and Community Right-to-know Act ("EPCRA"), 42 U.S.C. § 11004; and
(v) Description of all necessary actions to ensure compliance with Emergency Response in the event of an occurrence during the performance of the Work that causes or threatens a release of Waste Material from the FMC OU or Site that constitutes an emergency or may present an immediate threat to public health or welfare or the environment.

<u>4. Field Sampling Plan and Remedial Design Quality Assurance Project Plan</u>. The FSP supplements the QAPP and addresses all sample collection activities. The FSP must be written so that a field sampling team unfamiliar with the project would be able to gather the samples and field information required. Respondent shall develop the FSP

consistent with *Guidance for Conducting Remedial Investigations and Feasibility Studies*, EPA/540/G-89/004 (---1988), and in accordance with Section XI (Quality Assurance, Sampling, and Data Analysis);

5. O&M Plan. The O&M Plan must include:

(i) Description of and schedule for each operation task and maintenance task;
(ii) Description of and schedule for periodic inspections of equipment and components;
(iii) Description of O&M requirements;
(iv) Description of instrumentation and monitoring;
(v) Sample checklists and periodic reports;
(vi) Description and analysis of potential operating problems, including common and/or anticipated remedies;
(vii) Description of routine monitoring and laboratory testing;
(viii) Description of required data collection, laboratory tests and their interpretation;
(ix) Schedule of monitoring frequency and procedures;
(x) Description of verification sampling procedures, if Performance Standards are exceeded during routine monitoring;
(xi) Description of alternative operations and maintenance in case of systems failure, including:

(1) Alternative procedures to prevent the release or threatened release of Waste Material which may endanger public health and the environment or exceed Performance Standards;
(2) Analysis of vulnerability and additional resource requirements should a failure occur; and,
(3) Notification and reporting requirements should O&M systems fail or be in danger of imminent failure;

(xii) Description of corrective action to be implemented in the event that Performance Standards are exceeded, and a schedule for implementing these corrective actions;
(xiii) Description of monitoring equipment and monitoring components, including identifying information, maintenance requirements and schedule, and replacement requirements and schedule; and
(xiv) Description of records and reports that will be generated during O&M, such as daily operating logs, laboratory records, records of operating costs, reports regarding emergencies, personnel and maintenance records; and provisions for preparation and submission of monthly and annual O&M summary reports to EPA.

6. Performance Standards Verification Plan ("PSVP"). The PSVP must include the following elements:

(i) A description of each of the Performance Standards required by the Interim ROD Amendment;
(ii) A description of plans to ensure that each Performance Standard will be met; and
(iii) A description of activities to be performed to determine whether performance standards have been met.

7.0 Transportation and Off-Site Disposal Plan ("TODP"). The TODP must include:

(i) Proposed locations and routes for off-site shipment of waste material;
(ii) Identification of communities affected by shipment of waste material; and
(iii) Description of plans to minimize impacts on affected communities.

8.0 Provisions for continuing groundwater monitoring, sampling, analysis and reporting. The Groundwater Monitoring Plan will include but not limited to schedule for completion of the Remedial Action Work Plan.

9.0 Performance Testing

Review the Performance Testing Work Plan ("PTWP") and observe the testing described in the Work Plan(s) which are as follows:

- **Groundwater Remedy Water Treatment Testing**
  This will be generating a report that will include an evaluation of each technology's effectiveness, implementability, and actual results as compared with predicted results. The report shall provide recommendations for implementation of technologies and design criteria for those technologies recommended.

- **Gamma Cap Thickness Effectiveness Test**

The purposes of the Gamma Cap Thickness Effectiveness Test will be to:

a. Determine whether the one foot of native soil cap or "gamma" cap meets the external gamma radiation Performance Standard (and remedial action objective) in the Interim ROD Amendment, or whether more material is required,
b. Develop construction QA/QC methods to demonstrate achievement of the Performance Standard.
c. Prepare a Performance Test ("PT") Evaluation Report.

- **Preliminary (30%) RD.** This plan will at a minimum include:
  a. Design analysis, including assumptions and parameters, design restrictions, design calculations, process performance criteria, appropriate unit processes for the treatment train, and expected removal or treatment efficiencies for both the process and waste (concentration and volume);

b. Preliminary drawings and specifications;
c. Preliminary description of access requirements and proposed easements;
d. Preliminary O&M Plan and O&M Manual;
e. A description of how the Remedial Action will be implemented in a manner that minimizes environmental impacts consistent with EPA's *Principles for Greener Cleanups*, OSWER (Aug. 2009) and Region 10's Clean and Green Policy (Aug. 2009); and
f. Preliminary RA Schedule.

- **Intermediate (60%) RD -** If Respondent determines during RD planning that a 60% Intermediate RD is necessary, we will need to review and comment on the Intermediate (60%) RD.

- **Final RD**

The Pre-final RD must include, at a minimum:

a. Complete set of construction drawings and specifications that are:
   - Certified by a Professional Engineer registered in the State;
   - Suitable for bid advertisement; and
   - Follow the Construction Specifications Institute's Master Format 2012;
b. Survey and engineering drawings showing existing FMC OU elements, conditions, borders, and easements;
c. Pre-Final (95%) versions of the same elements and deliverables as are required for the previously submitted (Preliminary and Intermediate, if developed) RD;
d. Specification for photographic documentation of the RA;
e. Description of Respondent's method for selecting the construction contractor(s);

- **<u>Remedial Action</u>.** The Remedial Action Work Plan shall include the following:

a. Schedule for completion of the Remedial Action;
b. Method for selection of the contractor;
c. Schedule for developing and submitting other required Remedial Action plans;
d. Final CERCLA Groundwater Monitoring Plan;
e. Methods for satisfying access requirements;
f. Methodology for implementing the Operation and Maintenance Plan;
g. Methodology for implementing the Emergency Response Plan,;
h. Tentative formulation of the Remedial Action team;
i. Construction Quality Assurance Plan (by the construction contractor);
j. Performance Standards Verification Plan; and
k. Procedures and plans for the decontamination of equipment and the disposal of contaminated materials.

- **Final CERCLA Groundwater Monitoring Plan** will provide for the following:

a. EPA Systematic Approach for Evaluation of Capture Zones at Pump and Treat Systems (EPA 600/R-08/003, 2008) will be used to evaluate the effectiveness of the Pump and Treat System.

b. Implementation of the Final CERCLA Groundwater Monitoring Plan will be coordinated with Respondent's RCRA and Calciner Pond remedy groundwater monitoring programs.
c. Once installation of the groundwater extraction system has been completed and the annual average pumping rate has been achieved, an addenda to the plan will specify the appropriate monitoring locations at the FMC OU and Off-Plant OU to measure progress toward achieving the Performance Standards for the groundwater extraction and treatment system, including the types of statistical tools to be used to evaluate the groundwater data, and the system's effectiveness.

Based on earlier Government to Government Consultation, EPA committed to providing oversight during all on site work Tribes will be providing oversight of work at the FMC site also.

Staff and contract employees will work on all tasks within the FMC OU of EMF site including conducting sampling, review documents, communicate issues with public and policy makers, schedule meetings, attend meetings and other tasks in compliance with this workplan.

Task 1: Remedial Design, Remedial Action and Other Documents.
Assist with components identified above for Remedial Design/ Remedial Actions. In this process, the Tribes will be reviewing, commenting and participating in oversight of the remedial design and construction activities.

Each quarter, the specific documents received and reviewed will be compiled into the Quarterly Report. The Quarterly Reports will also include the number of hours spent on each document to support future estimates made on workloads. This is the first time that the Tribes have been involved with this sort of process so our existing cost estimating may be incorrect (too low or high). Level of our effort depends upon the quality of the document received which has historically been lacking in detail so we have been required to spend more time in reviewing and commenting on these documents.

Task 2: Public Involvement – Communications.
Provide updates to public, policy makers, and membership on current progress, issues and respond to questions, concerns if any.

These numbers are based on expectations and level of effort for each task. Level of effort includes coordination with policy leaders on a regular basis and with departments and community meetings as requested.

Fort Hall Reservation is comprised of 5 Districts. Regularly scheduled monthly meetings have been established to allow tribal members an opportunity for updates regarding environmental and other issues impacting their resources. Attendance at these meetings requires an added level of effort and resources for staff and contract employees. This is a complex cleanup project that requires a lot of labor hours preparing for these meeting and

responding to their concerns.

Information on meetings attended, information provided is provided to EPA in quarterly reporting. As part of this quarterly effort, the Tribes will also be including this information into the Quarterly report which will include the labor hours spent preparing and attending these meetings.

Task 3: UAO - All Ponds

Technical support that the Tribes are providing to EPA for implementation of the CERCLA UAO continues to be focused on refining the framework for monitoring of toxic gasses at the RCRA Ponds and gas extraction and treatment, as necessary to protect human health and the environment of our homelands. This coming year represents a particularly important phase of the project, as we are refining RCRA Ponds management strategies under the CERCLA UAO that will also be beneficial for long-term management of the RCRA Ponds.

RCRA ponds at the FMC OU are generating toxic gases that require monitoring, gas extraction and treatment. Tribes will continue to review, comment and participate in activities associated with this UAO. Labor hours are based on historical details from the past 7 years which the UAO's have been in effect and include monthly calls, weekly reporting and other notification processes. Level of effort requires participation in calls, review of data reports communication internally and coordination with policy leaders. Effort generally involves 8 to 12 hours per meeting.

Each quarter, the specific activities will be compiled into the Quarterly Report. The Quarterly Reports will also include the number of hours spent on these individual activities.

Task 4: Monitoring - Groundwater, Leachate Collection Water and Phosphine Monitoring:

Tribes have requested to be onsite during all remedial activities including but not limited to: reviewing, completing independent monitoring, and oversight.

Tribes want to ensure the remedial actions proposed and undertaken are protective of Tribal reservation resources including human health and the environment. To this, the Tribes propose developing a Quality Assurance Project Plan which will identify specific data quality objectives for sampling of groundwater and surface water to truth the models and assumptions regarding groundwater travel. At this point, the Tribes are preparing the necessary documentation to allow collection of these samples. At this point in time, we will only be requesting resources to prepare the documents and include discussions with EPA on helping develop the DQOs and sampling locations. If this document gets final approval prior to the end of the grant, the Tribes will be requesting additional resources to get these sampling events started. Analyses will include total metals and radionuclides

including gross alpha, gross beta, uranium 238, radium 226, radium 228, Phase II drinking water metals, phase IV drinking water metals, nitrate, total ammonia, total phosphate, orthophosphate, fluoride, potassium, cyanide and sulfate.

This QAPP will be developed in accordance with to EPA's Requirements for Quality Assurance Project Plans for Environmental Data Operations (EPA QA/R-5, March 2001) and Guidance for Quality Assurance Project Plans (EPA QA/G-5, December 2002). In addition to the QAPP, a Sampling and Analyses Plan will need to be written.

Task 5: Project Management.

Quarterly reporting (Reports will be submitted no later than the following dates: 1/31, 4/30, 7/31, 10/31.) Budget and resource management planning and coordination will also require some resources. With the level of detail requested for the quarter reporting, the Tribes will need approximately 4 hours a month to properly track financial resources and that this includes the monthly drawdowns with correct numbers. Depending upon the amount of work performed during the quarter, detailed reports must include the number of hours associated with each action taken so it is likely that somewhere between 6 to 8 hours per quarterly report.

Estimates based on expectations for each task and compared to historical labor with comparable activities.

SBT Estimated Hours – East Michaud Flats - FMC OU		Contractor Hours or $
Task 1: Remedial Design/ Remedial Action	**180**	**100**
Sub-Task I. Remedial Action	48	20
Sub-Task II. Construction QA/QC	20	8
Sub-Task III. Emergency Response	8	
Sub-Task-IV. Remedial Design QAPP & SAP	24	12
Sub-Task-V. Operation & Maintenance	20	16
Sub-Task VI. Performance Standard Verification	20	24
Sub-Task VII. Groundwater Monitoring	16	8
Sub-Task VIII. Performance Testing	24	12
Task 2: Public Involvement/ Communications	**124**	**60**
Sub-Task I. Regular Quarterly District Meetings (5 Districts)	60	20
Sub-Task II. Monthly communication with Policy Makers	64	40
Task 3: UAO's	**240**	**120**
Sub-Task I. Gas Extraction	96	48
Sub-Task I. Long term monitoring - QAPP	120	48
Sub-Task II. Other Events As Defined	24	24
Task 4: Monitoring Oversight	**100**	**40**
Sub-Task I. Develop QAPP	60	20
Sub-Task II. Develop SAP	40	20
Task 5: Project Management	**80**	**0**
Sub-Task I. Monthly Drawdowns	48	
Sub-Task II. Quarterly Reporting	32	
Total Hours	**724**	**320**

SBT Estimated Costs – Eastern Michaud Flats - FMC OU	
Personnel	$19,538.06
Fringe Benefits	$5,260.47
Travel	$4,200.00
Supplies	$3,119.99
Contractual - Contractor (440 hours at $87.50/hour)	$38,500
Indirect Charges	$8,454.24
Equipment	$600
Total	$77,991.00