Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 3/17/2017 5:58:21 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Hugh Kaufman Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: March 17, 2017

1. Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

by the Justice Department on 03/17/2017.

On March 13, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Virginia in the lawsuit entitled United States v. Michael Cosola, Civil Action No. 1:17-CV-00007.The proposed Consent Decree will resolve claims alleged under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") against Michael Cosola for costs incurred in responding to releases and threatened releases of hazardous substances at the Twin Cities Iron and Metal Site (the "Site") located in Bristol, Virginia. Michael Cosola is the current owner of Site property. The proposed Consent Decree imposes certain access and use restrictions at the Site, requires Mr. Cosola to perform a Phase II Site Assessment prior to disturbing soil on the property, and requires Mr. Cosola to record an environmental covenant on the Site property that will protect the remedy and run with the property in perpetuity.

https://www.gpo.gov/fdsys/pkg/FR-2017-03-17/pdf/2017-05322.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Perdido Ground Water Contamination Superfund Site

by the Environmental Protection Agency on 03/17/2017.

The Environmental Protection Agency Region 4 is issuing a Notice of Intent to Delete the Perdido Ground Water Contamination Superfund Site (Site) located in Baldwin County, Alabama, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive...

https://www.gpo.gov/fdsys/pkg/FR-2017-03-17/pdf/2017-05289.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Perdido Ground Water Contamination Superfund Site

by the Environmental Protection Agency on 03/17/2017.

The Environmental Protection Agency Region 4 is publishing this direct final Notice of Deletion for the Perdido Ground Water Contamination Superfund Site (Site), located in Perdido, Baldwin County, Alabama, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response,...

https://www.gpo.gov/fdsys/pkg/FR-2017-03-17/pdf/2017-05290.pdf

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/20/2020 10:20:17 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; hugh barrett kaufman
Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 20, 2020

1. Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

by the Justice Department on 07/20/2020.

The United States filed this lawsuit under Sections 106, 107, and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606, 9607, and 9613. In its complaint, the United States seeks (a) recovery, under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), of response costs it incurred in conducting response activities in connection with the release or threatened release of hazardous substances into the environment at or from Operable Unit 4 ("OU4"), also known as the "Southwest Properties," of the Wells G&H Superfund Site, located in Woburn, Massachusetts (the "Site"); (b) a declaratory judgment, under Section 113(g)(2) of CERCLA, 42 U.S.C. 9613(g)(2), holding that all defendants will be liable for any further response costs the United States may incur as a result of a release or threatened release of hazardous substances into the environment at or from OU4; and (c) injunctive relief under Section 106 of CERCLA, 42 U.S.C. 9606, requiring that Defendants take action to abate conditions at or near OU4 that may present an imminent and substantial endangerment to the public health or welfare or the environment because of actual and threatened releases of hazardous substances into the environment at or from OU4.

https://www.govinfo.gov/content/pkg/FR-2020-07-20/pdf/2020-15587.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Hormigas Ground Water Plume Superfund Site

by the Environmental Protection Agency on 07/20/2020.

The Environmental Protection Agency (EPA) Region 2 is issuing a Notice of Intent to Delete the Hormigas Ground Water Plume Superfund Site (Site) located in Caguas, Puerto Rico, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive...

https://www.govinfo.gov/content/pkg/FR-2020-07-20/pdf/2020-15642.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/18/2020 12:38:47 AM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; hugh barrett kaufman Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 10, 2020

1. Administrative Settlement Agreement: Conroe Logistics Center, LLC

by the Environmental Protection Agency on 07/10/2020.

Notice is hereby given by the U.S. Environmental Protection Agency (EPA), Region 6, of a proposed bona fide prospective purchaser settlement agreement, embodied in an Administrative Settlement Agreement for Certain Response Action Activities by Bona Fide Prospective Purchaser, with Conroe Logistics Center, LLC. This agreement pertains to a...

https://www.govinfo.gov/content/pkg/FR-2020-07-10/pdf/2020-14978.pdf

2. Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Arkansas, Louisiana, Oklahoma, New Mexico, and Albuquerque-Bernalillo County, New Mexico; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units

by the Environmental Protection Agency on 07/10/2020.

Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is notifying the public that we have received CAA section 111(d)/129 negative declarations from Arkansas, Louisiana, Oklahoma, New Mexico, and Albuquerque-Bernalillo County, New Mexico, for existing Hospital/Medical/Infectious Waste Incinerator...

https://www.govinfo.gov/content/pkg/FR-2020-07-10/pdf/2020-14361.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the American Crossarm & Conduit Co. Superfund Site

by the Environmental Protection Agency on 07/10/2020.

The Environmental Protection Agency (EPA) Region 10 is issuing a Notice of Intent to Delete American Crossarm & Conduit Co. Superfund Site (Site) located in Chehalis, Lewis County, Washington, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the...

https://www.govinfo.gov/content/pkg/FR-2020-07-10/pdf/2020-14650.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Annapolis Lead Mine Superfund Site

y the Environmental Protection Agency on 07/10/2020.

he Environmental Protection Agency (EPA) Region 7 is issuing a Notice of Intent to Delete the Annapolis Lead Mine uperfund Site (Site) located in Annapolis, Missouri, from the National Priorities List (NPL) and requests public omments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive nvironmental...

ttps://www.govinfo.gov/content/pkg/FR-2020-07-10/pdf/2020-14912.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/8/2020 11:04:43 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 8, 2020

1. Environmental Management Site-Specific Advisory Board, Northern New Mexico

by the Energy Department on 07/08/2020.

This notice announces a conference call of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this conference call be announced in the Federal Register.

https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-14685.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the DuPage County Landfill/Blackwell Forest Superfund Site

by the Environmental Protection Agency on 07/08/2020.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete the DuPage County Landfill/Blackwell Forest Superfund Site (DuPage County Landfill Site) located in Warrenville, Illinois, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to...

https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-14586.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the U.S. Smelter and Lead Refinery, Inc. Superfund Site

by the Environmental Protection Agency on 07/08/2020.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete 671 properties located in Zones 2 and 3 of Operable Unit 1 (OU1) of the U.S. Smelter and Lead Refinery, Inc. Superfund Site (USS Lead Site or Site) in East Chicago, Indiana, from the National Priorities List (NPL) and requests public comments on this...

https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-14476.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the DuPage County Landfill/Blackwell Forest Superfund Site

by the Environmental Protection Agency on 07/08/2020.

The Environmental Protection Agency (EPA) Region 5 is publishing a direct final Notice of Deletion of the DuPage County Landfill/Blackwell Forest Superfund Site (DuPage County Landfill Site), located in Warrenville, Illinois, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental...

https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-14588.pdf

Sent from my iPad

Message

From: Hugh Kaufman [**Ex. 6 Personal Privacy (PP)**
Sent: 7/6/2017 7:18:02 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Hugh Kaufman **Ex. 6 Personal Privacy (PP)**
Subject: FEDERAL REGISTER: July 6, 2017

1. Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act and Notice of Availability and Request for Comments on Draft Restoration Plan and Environmental Assessment

by the Justice Department on 07/06/2017.

On June 29, 2017, the Department of Justice lodged a proposed Consent Decree and Draft Restoration Plan/Environmental Assessment ("RP/EA") with the United States District Court for the District of Minnesota in the lawsuit entitled United States, Minnesota, and Wisconsin v. XIK, LLC; Honeywell International, Inc.; and Domtar, Inc., Civil Action No. 017-cv-02368.
The proposed Consent Decree will resolve a claim for natural resource damages at the St. Louis River/Interlake/Duluth Tar ("SLRIDT") Superfund Site brought by the governments under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607. The SLRIDT Site consists of 255 acres of land and river embayments located primarily in Duluth, Minnesota, and extends into the St. Louis River. The filed complaint alleges that the three Defendants are liable under CERCLA for industrial discharges of polycyclic aromatic hydrocarbons ("PAHs") at the SLRIDT Site during the first half of the 20th Century. PAHs were identified in river sediments throughout the Site in sufficient concentrations to cause injury to many types of natural resources, including vegetation, fish and birds. In addition, PAH-contaminated natural resources resulted in the loss of recreational fishing and tribal use services.

https://www.gpo.gov/fdsys/pkg/FR-2017-07-06/pdf/2017-14193.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Shpack Landfill Superfund Site

by the Environmental Protection Agency on 07/06/2017.
The Environmental Protection Agency (EPA) Region 1 is issuing a Notice of Intent to Delete the Shpack Landfill Superfund Site (Site) located on Union Rd. and Peckham Streets in Norton and Attleboro, Massachusetts, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to...

https://www.gpo.gov/fdsys/pkg/FR-2017-07-06/pdf/2017-14113.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Shpack Landfill Superfund Site

by the Environmental Protection Agency on 07/06/2017.

The Environmental Protection Agency (EPA) Region 1 is publishing a direct final Notice of Deletion of the Shpack Landfill Superfund Site (Site), located on Union Rd. and Peckham Streets in Norton and Attleboro, Massachusetts, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive

https://www.gpo.gov/fdsys/pkg/FR-2017-07-06/pdf/2017-14112.pdf

Message

From: Hugh Kaufman [Ex. 6 Personal Privacy (PP)]
Sent: 8/5/2020 4:57:48 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; hugh barrett kaufman [Ex. 6 Personal Privacy (PP)]
Subject: FEDERAL REGISTER: August 5, 2020

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Cimarron Mining Corporation Superfund Site

by the Environmental Protection Agency on 08/05/2020.

The Environmental Protection Agency (EPA) Region 6 is issuing a Notice of Intent to Delete Cimarron Mining Corporation Superfund Site (Site) located in Carrizozo, New Mexico, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive...

https://www.govinfo.gov/content/pkg/FR-2020-08-05/pdf/2020-16274.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/5/2017 4:58:26 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Hugh Kaufman Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: June 30, 2017

1. Environmental Management Site-Specific Advisory Board, Paducah

by the Energy Department on 06/30/2017.

This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the Federal Register.

https://www.gpo.gov/fdsys/pkg/FR-2017-06-30/pdf/2017-13806.pdf

2. Environmental Management Site-Specific Advisory Board, Savannah River Site

by the Energy Department on 06/30/2017.
This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the Federal Register.

https://www.gpo.gov/fdsys/pkg/FR-2017-06-30/pdf/2017-13807.pdf

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Postings of Deletion from the NPL of Mystery Bridge Road/U.S. Highway 20 Site located in Natrona County, northeast of Casper, Wyoming in Region 8, was withdrawn.

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 6/16/2020 9:47:01 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh Ex. 6 Personal Privacy (PP) t
Subject: FEDERAL REGISTER: June 16, 2020

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fairfax St. Wood Treaters Superfund Site

by the Environmental Protection Agency on 06/16/2020.

The Environmental Protection Agency (EPA) Region 4 is issuing a Notice of Intent to Delete Fairfax St. Wood Treaters Superfund Site (Site) located in Jacksonville, Florida, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental...

https://www.govinfo.gov/content/pkg/FR-2020-06-16/pdf/2020-12692.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/16/2020 2:23:54 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; hugh barrett kaufman Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 16, 2020

1. Notice of Lodging of Proposed Consent Decree Under The Resource Conservation and Recovery Act and The Emergency Planning and Community Right-To-Know Act

by the Justice Department on 07/16/2020.

On July 9, 2020, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Wyoming in the lawsuit entitled *United States of America* v. *J.R. Simplot Company, et al.,* Civil Action No. 20-CV-125-F. If approved by the court, the consent decree would resolve the claims of the United States against J.R. Simplot Company and Simplot Phosphates, LLC (Simplot) for injunctive relief and civil penalties for alleged violations of the Resource Conservation and Recovery Act (RCRA), and for civil penalties for alleged violations of the Emergency Planning And Community Right-To-Know Act (EPCRA), at Simplot's phosphoric acid and fertilizer manufacturing plant located near Rock Springs, Wyoming. The consent decree would require Simplot to (1) implement compliance projects at the Rock Springs facility; (2) comply with specified requirements for management of wastes or other materials at the facility and in the facility's phosphogypsum stack system, (3) comply with specified requirements for the eventual closure and long-term care of the facility, and provide financial assurance to cover the estimated cost of such obligations; and (4) continue monitoring the groundwater at and near the facility pursuant to an existing order of the State of Wyoming and, if needed in the future based on the monitoring, implement corrective action to address any groundwater contamination. The consent decree would also require Simplot to revise the annual Toxic Chemical Release Inventory Reporting Forms it submitted under EPCRA for years 2004-2013 to include estimates of compounds that previously were not included in those reports. In addition, the consent decree would require Simplot to pay a civil penalty of $775,000. In return for Simplot's compliance with these requirements, the consent decree would resolve past RCRA and EPCRA violations at the Rock Springs facility that the United States' complaint alleges. Provided that Simplot remains in compliance with consent decree's requirements for the management of wastes or other materials, under the consent decree the United States would also covenant not to sue Simplot under RCRA for its management of wastes or other materials at the Rock Springs facility.

https://www.govinfo.gov/content/pkg/FR-2020-07-16/pdf/2020-15303.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Fort Wayne Reduction Dump Superfund Site

by the Environmental Protection Agency on 07/16/2020.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete Operable Unit 1 (OU1) and Operable Unit 2 (OU2) (the two capped landfill areas) of the Fort Wayne Reduction Dump Superfund Site (Fort Wayne Reduction Site or Site) located in Fort Wayne, Indiana, from the National Priorities List (NPL) and requests public...

https://www.govinfo.gov/content/pkg/FR-2020-07-16/pdf/2020-15344.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Tulsa Fuel and Manufacturing Superfund Site

by the Environmental Protection Agency on 07/16/2020.

The Environmental Protection Agency (EPA) Region 6 is issuing a Notice of Intent to Delete Tulsa Fuel and Manufacturing Superfund Site (Site) located 1 and \1/3\ miles south of downton Collinsville, Oklahoma, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105...

https://www.govinfo.gov/content/pkg/FR-2020-07-16/pdf/2020-14652.pdf

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Sent from my iPad

Message

From: Hugh Kaufman [Ex. 6 Personal Privacy (PP)]
Sent: 7/15/2020 10:04:24 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; hugh barrett kaufman [Ex. 6 Personal Privacy (PP)]
Subject: FEDERAL REGISTER: July 14, 2020

1. El Centro Residential Lead Removal Site, El Centro, CA; Notice of Proposed CERCLA Settlement Agreement for Recovery of Past Response Costs

by the Environmental Protection Agency on 07/14/2020.

In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), notice is hereby given of a proposed administrative settlement for recovery of response costs concerning the El Centro Residential Lead Removal Site in El Centro, California. The settlement is entered into pursuant to Section...

https://www.govinfo.gov/content/pkg/FR-2020-07-14/pdf/2020-15131.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Northside Landfill Superfund Site

by the Environmental Protection Agency on 07/14/2020.

The Environmental Protection Agency (EPA) Region 10 is issuing a Notice of Intent to Delete Northside Landfill Superfund Site (Site), located in Spokane, Spokane County, Washington, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive...

https://www.govinfo.gov/content/pkg/FR-2020-07-14/pdf/2020-14137.pdf

3. National Priorities List: Partial Deletion of the Surface and Subsurface Soils of the Queen City Farms Superfund Site

by the Environmental Protection Agency on 07/14/2020.

The Environmental Protection Agency (EPA) Region 10 is issuing a Notice of Intent to Delete the surface and subsurface soils of the Queen City Farms Superfund Site (Site) located in Maple Valley, King County, Washington, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to...

https://www.govinfo.gov/content/pkg/FR-2020-07-14/pdf/2020-14138.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 8/18/2020 8:09:15 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; hugh barrett kaufman Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: August 18, 2020

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fairfax St. Wood Treaters Superfund Site

by the Environmental Protection Agency on 08/18/2020.

The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Fairfax St. Wood Treaters Superfund Site (Site) located in Jacksonville, Florida, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as...

https://www.govinfo.gov/content/pkg/FR-2020-08-18/pdf/2020-16375.pdf

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Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/27/2020 11:00:54 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; hugh barrett kaufman Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 27, 2020

1. Intent to Prepare a Draft Environmental Impact Statement for a Proposed Landfill Expansion within Wetlands that Drain to Burnetts Mill Creek at the Existing Regional Landfill off Merged U.S. Routes 58, 13, and 460 in Suffolk, Virginia

by the Engineers Corps on 07/27/2020.

The U.S. Army Corps of Engineers (Corps) will prepare an Environmental Impact Statement (EIS) to evaluate project alternatives and the public interest review factors, as well as the effects on 129 acres of forested wetlands for the proposed landfill expansion.

https://www.govinfo.gov/content/pkg/FR-2020-07-27/pdf/2020-16177.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Macalloy Corporation Superfund Site

by the Environmental Protection Agency on 07/27/2020.

The Environmental Protection Agency (EPA) Region 4 is proposing to Delete 134-acres of the 140-acre Macalloy Corporation Superfund Site (Site) located at 1800 Pittsburgh Avenue, North Charleston, South Carolina 29405 from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to...

https://www.govinfo.gov/content/pkg/FR-2020-07-27/pdf/2020-16066.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Scrap Processing Co., Inc. Superfund Site

by the Environmental Protection Agency on 07/27/2020.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notification of Intent to Delete the Scrap Processing Co., Inc. Superfund Site (Scrap Processing Site or Site) located in Medford, Wisconsin, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section 105 of...

https://www.govinfo.gov/content/pkg/FR-2020-07-27/pdf/2020-16247.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Scrap Processing Co., Inc. Superfund Site

by the Environmental Protection Agency on 07/27/2020.

The Environmental Protection Agency (EPA) Region 5 is publishing a direct final Notification of Deletion of the Scrap Processing Co., Inc. Superfund Site (Scrap Processing Site or Site), located in Medford, Wisconsin, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental...

https://www.govinfo.gov/content/pkg/FR-2020-07-27/pdf/2020-16248.pdf

Sent from my iPad

Message

From: Hugh Kaufman [Ex. 6 Personal Privacy (PP)
Sent: 7/15/2020 9:07:04 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; hugh barrett kaufman
Subject: Ex. 6 Personal Privacy (PP) FEDERAL REGISTER: July 15, 2020

1. Notice of Lodging of Proposed Consent Decree Under the Resource Conservation and Recovery Act and Other Statutes

by the Justice Department on 07/15/2020.

On July 9, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Texas in the lawsuit entitled *United States and State of Texas* v. *E.I. DuPont De Nemours and Company, Case No. 4:20-cv-02423,* for violations of federal and state environmental laws during the production of agrichemicals at a manufacturing plant located in La Porte, Harris County, Texas.

The proposed Consent Decree resolves the claims of the United States and the State of Texas under (1) the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.,* implementing regulations and the delegated program under the Texas Solid Waste Disposal Act (Texas Health and Safety Code ch. 361), (2) the Clean Air Act, 42 U.S.C. 7401 *et seq.,* implementing regulations, and Texas Clean Air Act (Tex. Health and Safety Code ch. 382), and (3) the Clean Water Act, 33 U.S.C. 1251, *et seq.,* implementing regulations, and the Texas Water Code ch. 26. The Consent Decree provides for payment of a civil penalty of $3,195,000 ($1,710,000 to the United States and $1,485,000 to the State of Texas), payment of attorneys' fees of $225,000 to the State of Texas, and performance of injunctive relief to resolve the violations alleged in the Complaint.

https://www.govinfo.gov/content/pkg/FR-2020-07-15/pdf/2020-15296.pdf

2. Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Maryland; Control of Emissions From Existing Sewage Sludge Incineration Units

by the Environmental Protection Agency on 07/15/2020.

The Environmental Protection Agency (EPA) is proposing to approve the negative declaration submitted by the State of Maryland for Sewage Sludge Incineration (SSI) units. This negative declaration submitted by the Maryland Department of the Environment (MDE) certifies that SSI units subject to sections 111(d) and 129 of the Clean Air Act (CAA) do...

https://www.govinfo.gov/content/pkg/FR-2020-07-15/pdf/2020-14577.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Industri-Plex Superfund Site

by the Environmental Protection Agency on 07/15/2020.

The Environmental Protection Agency (EPA) Region 1 is issuing a Notice of Intent to Delete the 200 Presidential Way, Woburn, MA 01801 (200 Presidential Way) parcel of the Industri-Plex Superfund Site (Site) (MAD076580950) located in Woburn, Massachusetts, from the National Priorities List (NPL) and requests public comments on this proposed...

https://www.govinfo.gov/content/pkg/FR-2020-07-15/pdf/2020-13637.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Red Panther Chemical Company Superfund Site

by the Environmental Protection Agency on 07/15/2020.

The Environmental Protection Agency (EPA) Region 4 is issuing a Notice of Intent to Delete the Red Panther Chemical Company Superfund Site (Site) located in Clarksdale, Mississippi, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive...

https://www.govinfo.gov/content/pkg/FR-2020-07-15/pdf/2020-14430.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 8/3/2019 10:53:[illegible]
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: August 5, 2019

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Ellenville Scrap Iron and Metal Superfund Site

by the Environmental Protection Agency on 08/05/2019.

The Environmental Protection Agency (EPA) Region 2 is issuing a Notice of Intent to Delete the Ellenville Scrap Iron and Metal Superfund Site (Site), located in the Village of Ellenville, Town of Wawarsing, Ulster County, New York, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated...

https://www.govinfo.gov/content/pkg/FR-2019-08-05/pdf/2019-16702.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List: Deletion of the Ellenville Scrap Iron and Metal Superfund Site

by the Environmental Protection Agency on 08/05/2019.

The Environmental Protection Agency (EPA) Region 2 is publishing a direct final notice of deletion of the Ellenville Scrap Iron and Metal Superfund Site, located in the Village of Ellenville, Town of Wawarsing, Ulster County, New York, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive...

https://www.govinfo.gov/content/pkg/FR-2019-08-05/pdf/2019-16703.pdf

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Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 9/12/2019 4:31:52 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov Ex. 6 Personal Privacy (PP) t
Subject: FEDERAL REGISTER: September 12, 2019

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Electro-Coatings, Inc. Superfund Site

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by the Environmental Protection Agency on 09/12/2019.

The Environmental Protection Agency (EPA) Region 7 announces the deletion of the Electro-Coatings, Inc. Superfund Site (Site) located at 911 Shaver, Cedar Rapids, Iowa, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

https://www.govinfo.gov/content/pkg/FR-2019-09-12/pdf/2019-19654.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 6/25/2020 3:08:01 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; hugh barrett kaufman Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER:: June 23, 2020

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Southeast Rockford Groundwater Contamination Superfund Site

by the Environmental Protection Agency on 06/23/2020.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notification of Intent to Delete Source Area 4 of Operable Unit 3 (OU3) of the Southeast Rockford Groundwater Contamination Superfund Site located in Rockford, Illinois, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL,...

https://www.govinfo.gov/content/pkg/FR-2020-06-23/pdf/2020-12793.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Douglass Road/Uniroyal, Inc. Landfill Superfund Site

by the Environmental Protection Agency on 06/23/2020.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notification of Intent to Delete the OU1--Landfill Cap Area of the Douglass [sic] Road/Uniroyal, Inc. Landfill Superfund Site (Douglas Road Site or Site) located in Mishawaka, Indiana, from the National Priorities List (NPL) and requests public comments on this proposed action. The...

https://www.govinfo.gov/content/pkg/FR-2020-06-23/pdf/2020-12826.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the First Piedmont Rock Quarry (Route 719) Superfund Site

by the Environmental Protection Agency on 06/23/2020.

The Environmental Protection Agency (EPA) Region III is issuing a Notice of Intent to Delete the First Piedmont Rock Quarry (Route 719) Superfund Site (Site) located in Pittsylvania County, Virginia, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the...

https://www.govinfo.gov/content/pkg/FR-2020-06-23/pdf/2020-13451.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fridley Commons Park Well Field Superfund Site

by the Environmental Protection Agency on 06/23/2020.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete the Fridley Commons Park Well Field Superfund Site (Fridley Well Field Site or Site) located in Fridley, Minnesota, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section 105...

https://www.govinfo.gov/content/pkg/FR-2020-06-23/pdf/2020-12538.pdf

5. Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Virginia; Emission Standards for Existing Municipal Solid Waste Landfills

by the Environmental Protection Agency on 06/23/2020.

The Environmental Protection Agency (EPA) is approving a Clean Air Act (CAA) section 111(d) plan submitted by the Virginia Department of Environmental Quality (VADEQ). This plan was submitted to fulfill the requirements of the CAA and in response to EPA's promulgation of Emissions Guidelines and Compliance Times for municipal solid waste (MSW)...

https://www.govinfo.gov/content/pkg/FR-2020-06-23/pdf/2020-12001.pdf

6. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the First Piedmont Rock Quarry (Route 719) Superfund Site

by the Environmental Protection Agency on 06/23/2020.

The Environmental Protection Agency (EPA) Region III is publishing a direct final Notice of Deletion of the First Piedmont Rock Quarry (Route 719) Superfund Site (Site), located in Pittsylvania County, Virginia, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response,...

https://www.govinfo.gov/content/pkg/FR-2020-06-23/pdf/2020-13459.pdf

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Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/31/2019 10:53:47 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 31, 2019

1. Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

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  -

by the Justice Department on 07/31/2019.

On July 23, 2019, the Department of Justice lodged a proposed Consent Decree ("Consent Decree") in the United States District Court for the Northern District of Alabama, in the lawsuit entitled the *United States of America* v. *MRC Holdings, Inc.,* Civil Action No. 1:19-cv-01153-CLM.

This Consent Decree represents a settlement of the United States' ("Plaintiff's") claims against MRC, Holdings, Inc. ("MRC" or "Defendant") under Sections 104, 106, 107, 113 and 122 of the Comprehensive Environmental Response,

https://www.govinfo.gov/content/pkg/FR-2019-07-31/pdf/2019-16307.pdf

2. Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Responsibility, Compensation, and Liability Act (CERCLA)

  -
    -

by the Justice Department on 07/31/2019.

On July 25, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for Eastern District of Pennsylvania in the lawsuit entitled *United States and Commonwealth of Pennsylvania Department of Environmental Protection* v. *Whitpain Township,* Civil Action No. 2:19-cv-03240-JP. In a civil action filed on July 25, 2019, under Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), the United States, on behalf of the Environmental

Protection Agency, alleged defendant Whitpain Township, as a current owner of a portion of the BoRit Asbestos Superfund Site (known as the "Park Parcel"), is liable for response action and costs of response action at the Site. The Commonwealth of Pennsylvania is a co-plaintiff and asserts claims under the Pennsylvania Hazardous Sites Cleanup Act, 35 P.S. Section 6020.101 *et seq.* The Site was used by Keasbey & Mattison Company for the disposal of asbestos-containing material and other waste products, starting in the 1930s. EPA performed response action that included removal of asbestos containing material, site stabilization, capping, fencing, and installation engineering controls.

https://www.govinfo.gov/content/pkg/FR-2019-07-31/pdf/2019-16264.pdf

- 3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the South Minneapolis Residential Soil Contamination Superfund Site
-

  by the Environmental Protection Agency on 07/31/2019.

  The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete all but nine of approximately 3,632 properties located within the South Minneapolis Residential Soil Contamination Superfund Site (South Minn. Site) in Minneapolis, Minnesota from the National Priorities List (NPL) and requests public comments on this...

  https://www.govinfo.gov/content/pkg/FR-2019-07-31/pdf/2019-16191.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Intel Corp. (Santa Clara III) Superfund Site

-

  by the Environmental Protection Agency on 07/31/2019.

  The Environmental Protection Agency (EPA) Region 9 is issuing a Notice of Intent to Delete the Intel Corp. (Santa Clara III) Superfund Site (Site) located in Santa Clara, California, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive

  https://www.govinfo.gov/content/pkg/FR-2019-07-31/pdf/2019-16320.pdf

- 5. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Duell & Gardner Landfill Superfund Site
-

by the Environmental Protection Agency on 07/31/2019.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete the Duell & Gardner Landfill Superfund Site (Duell & Gardner Site) located in Dalton Township, Muskegon County, Michigan, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section...

https://www.govinfo.gov/content/pkg/FR-2019-07-31/pdf/2019-16200.pdf

- 6. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Buckeye Reclamation Landfill Superfund Site
-

by the Environmental Protection Agency on 07/31/2019.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete the Buckeye Reclamation Landfill Superfund Site (Buckeye Site) located in St. Clairsville, Ohio, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section 105 of the Comprehensive...

https://www.govinfo.gov/content/pkg/FR-2019-07-31/pdf/2019-16198.pdf

7. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Duell & Gardner Landfill Superfund Site

-
-

by the Environmental Protection Agency on 07/31/2019.

The Environmental Protection Agency (EPA) Region 5 is publishing a direct final Notice of Deletion of the Duell & Gardner Landfill Superfund Site (Duell & Gardner Site), located in Dalton Township, Muskegon County, Michigan, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental..

https://www.govinfo.gov/content/pkg/FR-2019-07-31/pdf/2019-16199.pdf

- 8. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the South Minneapolis Residential Soil Contamination Superfund Site
- by the Environmental Protection Agency on 07/31/2019.

  The Environmental Protection Agency (EPA) Region 5 is publishing a direct final Notice of Partial Deletion of all but nine of approximately 3,632 properties located within the South Minneapolis Residential Soil Contamination Superfund Site in Minnesota from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the...

  https://www.govinfo.gov/content/pkg/FR-2019-07-31/pdf/2019-16192.pdf

  9. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Buckeye Reclamation Landfill Superfund Site
- by the Environmental Protection Agency on 07/31/2019.

  The Environmental Protection Agency (EPA) Region 5 is publishing a direct

final Notice of Deletion of the Buckeye Reclamation Landfill Superfund Site (Buckeye Site), located in St. Clairsville, Ohio from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and...

https://www.govinfo.gov/content/pkg/FR-2019-07-31/pdf/2019-16197.pdf

SUPERFUND REDEVELOPMENT INITIATIVE

20TH ANNIVERSARY

Superfund Redevelopment

20th Anniversary Report

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Superfund Redevelopment *in Action*

Blackburn & Union Privileges (Walpole, Massachusetts)

This Superfund site was once a manufacturing facility for tires, insulation and cotton and fabric production. EPA worked with the community on a comprehensive remedy for the site. With Superfund Redevelopment assistance, the community also developed reuse plans for the area. In 2018, years of hard work by local leaders paid off. A new police station provides space for the department and includes safety equipment and emergency response technology and training space. The new Walpole Co-operative Bank South Street Center is the first stand-alone senior center facility in the community. Strong community support for the project included a $6.8 million contribution from the town, $1.4 million raised by private donors and substantial support from a local bank.

EPA recognized the community's leadership with Excellence in Site Reuse awards in December 2018.

Introduction to Superfund Redevelopment

For nearly 40 years, EPA's Superfund program has been a cornerstone of the work EPA performs for communities across the country. Helping people participate in the Superfund cleanup process and supporting community efforts to safely reuse sites are vital parts of the program's mission to protect public health and the environment.

2019 marks the 20th anniversary for Superfund Redevelopment. This program develops cutting-edge tools and resources to address evolving community priorities and tackle new challenges. Recent projects have integrated cleanups and reuse to save taxpayer dollars, accelerate cleanups, restore access to vital services, including health care in urban areas, and enabled infrastructure projects that address community priorities. Each of these projects generates new perspectives and lessons learned that Superfund Redevelopment shares nationwide.

Superfund Redevelopment has provided reuse support for more than 350 projects, assisting communities, developers, local governments and other stakeholders.

Partnerships with communities, states, tribal and local governments, nonprofits, and private-sector organizations have removed unnecessary reuse barriers.

Innovative tools such as Ready for Reuse Determinations provide site owners, businesses, local governments and lenders with the tools they need to make reuse happen.

Reuse planning and facilitation services bring people together to discuss community priorities, address concerns and develop plans for the future.

Superfund Redevelopment's information resources – case studies, videos, success stories, awards, trainings – continue to build capacities and highlight new reuse directions.

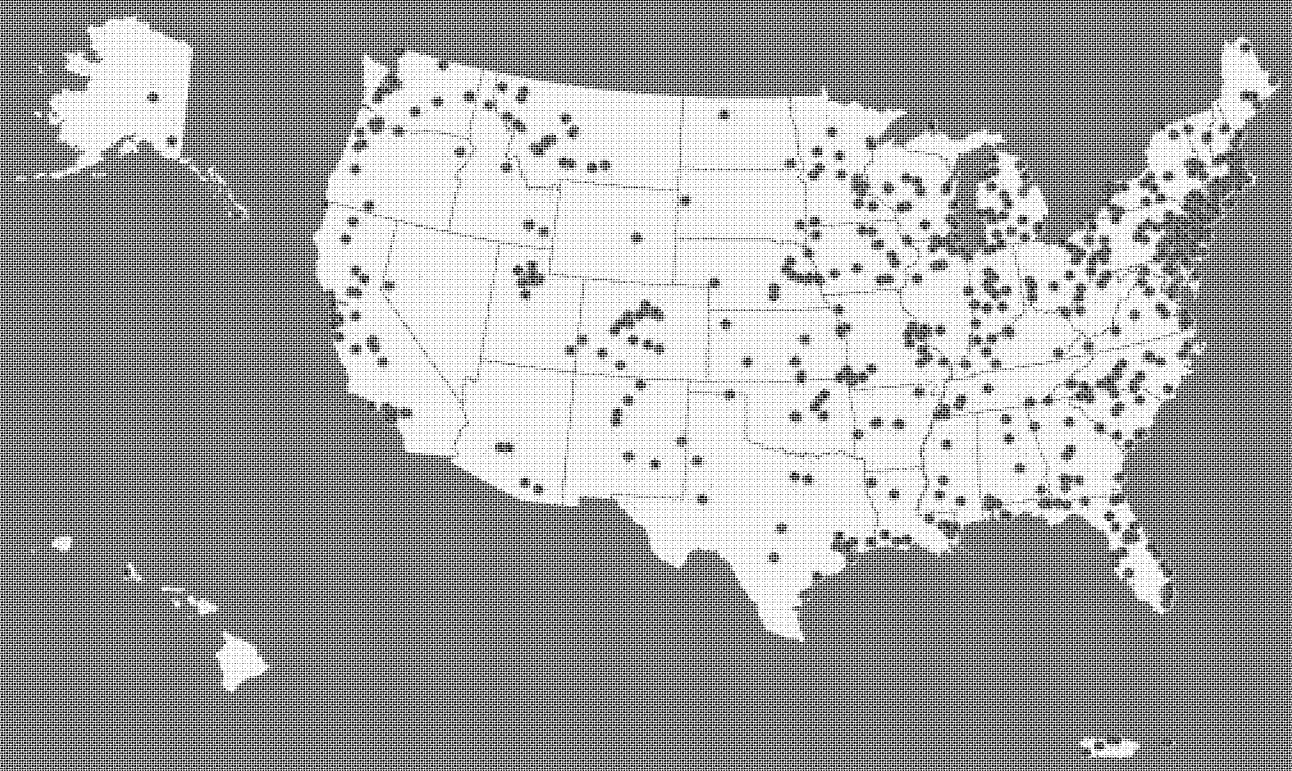
Performance measures are tracking the Superfund program's accomplishments in making land ready for reuse. Nearly 900 sites have achieved the Sitewide Ready for Anticipated Use measure.

Superfund Redevelopment helps communities reclaim and reuse thousands of acres of formerly contaminated land. Today, about 1,000 Superfund sites support new and ongoing uses. EPA has collected data on more than 8,600 businesses at many of these Superfund sites. In fiscal year 2018, these businesses generated $52.4 billion in sales and employed more than 195,000 people who earned a combined income of $13.3 billion. Since Superfund Redevelopment started tracking this data in 2011, these businesses have generated approximately $263 billion in sales.

This report shares Superfund Redevelopment success stories from some of the 1,000 Superfund sites supporting new and ongoing uses. It also highlights the broader history and the future of Superfund Redevelopment.

ED_005584A_00008156-00003

There is reuse and redevelopment happening at Superfund sites in every state across the country.



Ready for Redevelopment

The Armour Road Superfund site in North Kansas City, Missouri, is one of the sites featured on EPA's Redevelopment Opportunities List of sites with the greatest expected redevelopment and commercial potential. EPA worked with the city of North Kansas City and responsible parties throughout cleanup to help position this former industrial facility for redevelopment.

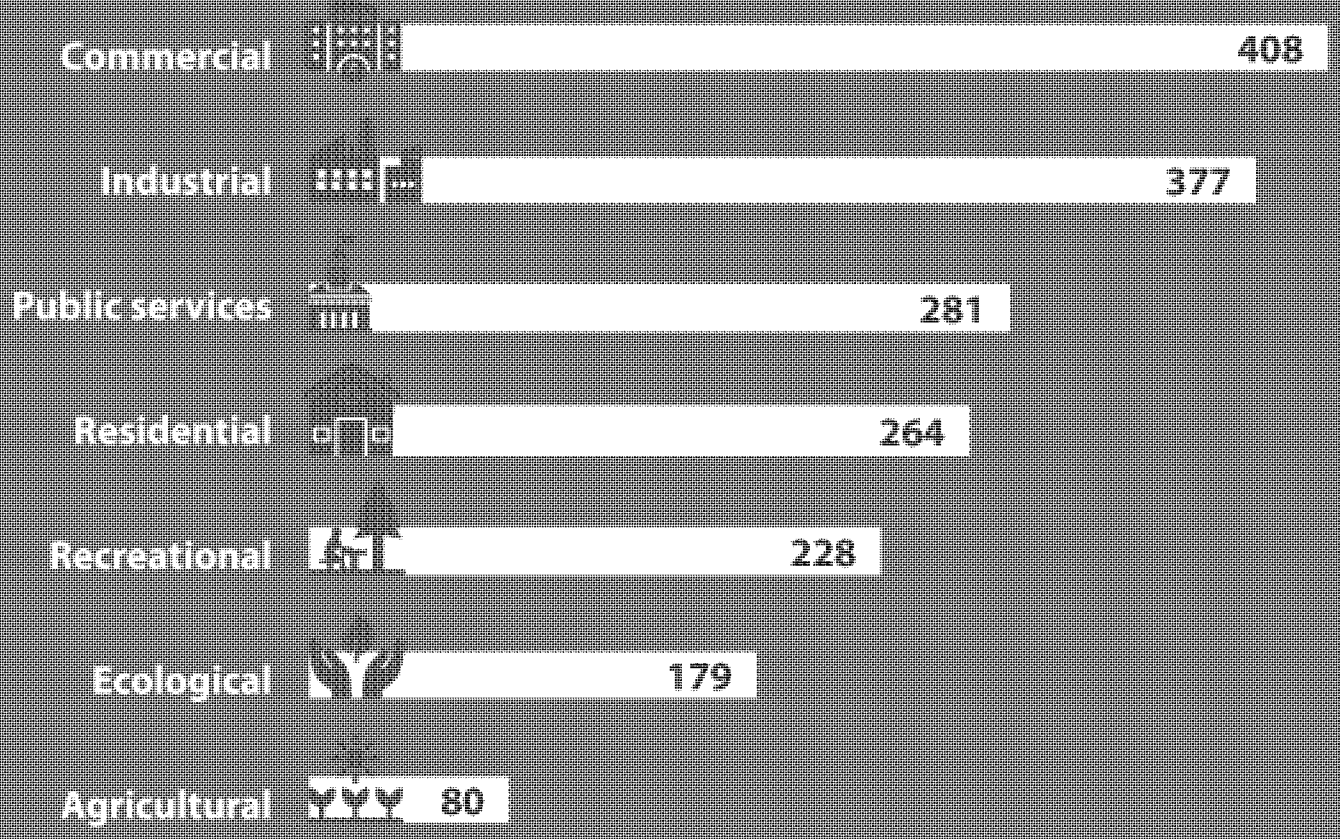
ED_005584A_00008156-00004

"We are accelerating cleanups, returning sites to productive reuse and revitalizing communities across the country."

- Andrew Wheeler,
EPA Administrator

Superfund Site Uses by Type

The chart below shows the diversity and frequency of different land uses at Superfund sites, with commercial and industrial uses leading the way. Because many sites support multiple uses, the total number of site uses is greater than the number of sites with new and ongoing uses.



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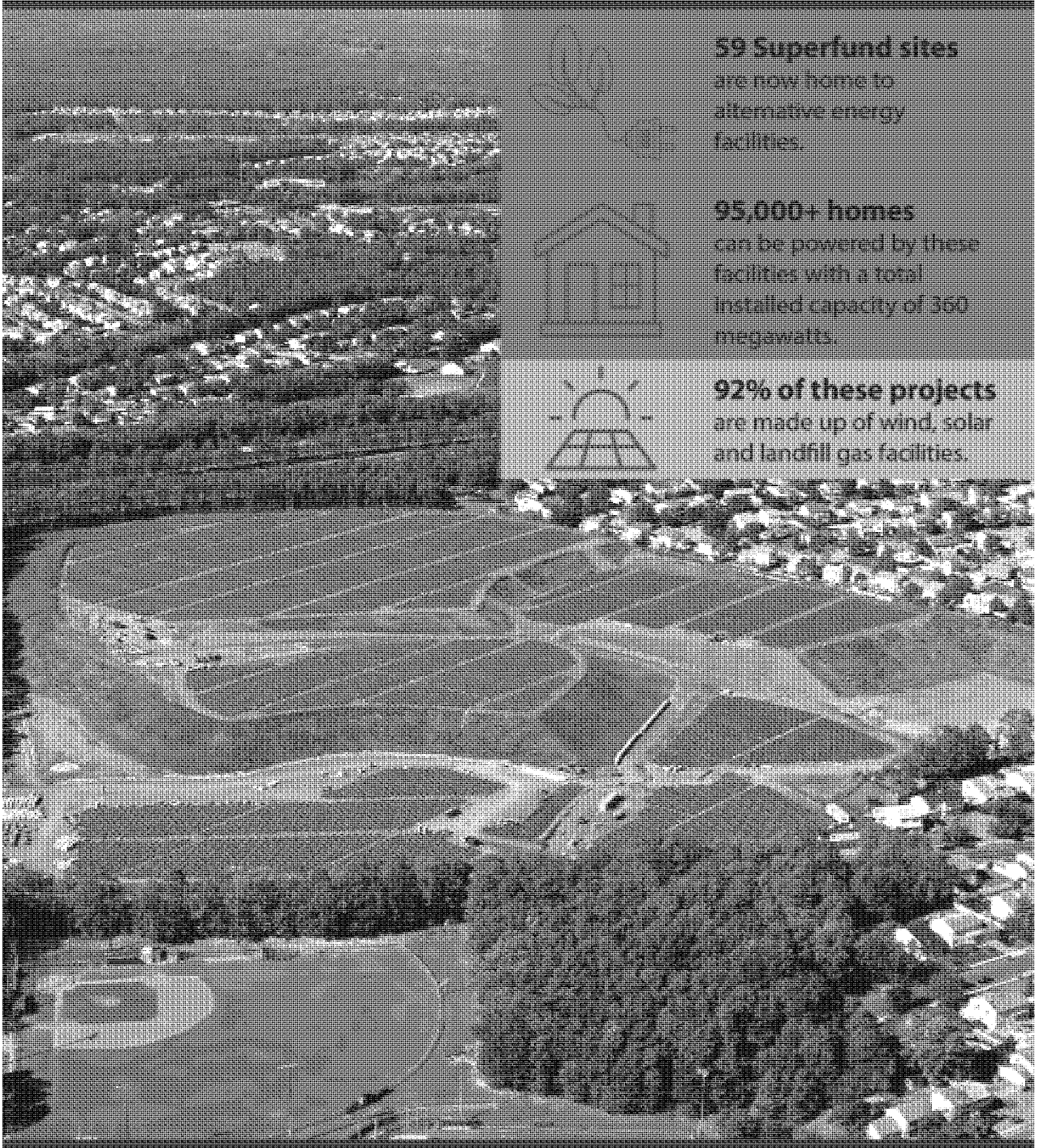
Superfund Redevelopment Initiative's 20th Anniversary: Making History

Mixed-Use Revitalization Continuing to Break New Ground in Midvale, Utah

Twenty years of collaboration and dedication at the local, state and federal level have transformed the Midvale Slag Superfund site, a former smelter, into a vibrant community resource. Superfund Redevelopment support led to the groundbreaking creation of the Bingham Junction Reuse Assessment and Master Plan. Today, the site is home to a thriving mixed-use development supporting thousands of jobs. Builders have completed over 1,000 residences on site and plan to complete about 1,000 more. The site is also home to office buildings, a supermarket and other stores. In total, developers plan to build up to 2 million square feet of commercial office and retail space on site. Bingham Junction's Riverwalk Park provides access to the Jordan River. A Utah Transit Authority light rail station opened on site. Facilities at Bingham Junction Park include a softball field, basketball court, play structure and sledding hill. EPA took the site off the Superfund program's National Priorities List in 2015 -- all required cleanup activity is complete.

Nationwide, thanks in part to Superfund Redevelopment:



59 Superfund sites
are now home to alternative energy facilities.

95,000+ homes
can be powered by these facilities with a total installed capacity of 360 megawatts.

92% of these projects
are made up of wind, solar and landfill gas facilities.

Superfund Redevelopment *in Action*

The Brick Township Landfill Superfund site in northern New Jersey now hosts a 7-megawatt solar farm. The facility powers all municipal buildings and community park facilities in the township.

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The Superfund Task Force:

Promoting Redevelopment and Community Revitalization

Promoting redevelopment and community revitalization is one of the key goals of the Agency's Superfund Task Force, and a priority of the Superfund program. In 2017, EPA developed a list of Superfund National Priorities List sites nationwide with the greatest expected redevelopment potential. The list promotes renewed focus on accelerating work and progress at all Superfund sites while working to successfully return Superfund sites to productive use in communities across the country.

Superfund Redevelopment created Ready for Reuse fact sheets for all of the sites on the list and the Redevelopment Story Map (https://arcg.is/vn8H5), an interactive map-based tool highlighting the sites. EPA used the lessons learned from this effort to expand support to even more sites and now maintains a list of Redevelopment Opportunity sites.

Superfund Redevelopment also took on new activities and updated existing tools to address Superfund Task Force goals and action items:

170+
Responses to redevelopment-related prospective purchaser inquiries

60+
Ready for Reuse fact sheets developed

40+
Reports, case studies and videos published and posted

35
Regional seed projects conducted to support redevelopment and community revitalization

18+
EPA and public trainings – including nine webinars, five conferences, four EPA staff trainings and other events – provided

529
Superfund sites in reuse and continued use with economic data available tracked and updated (see page 16)

94
Redevelopment opportunities and site readiness for reuse documented in 2017 and 2018. 94 sites achieved EPA's Sitewide Ready for Anticipated Use performance measure

Often
Superfund Redevelopment website regularly updated to inform interested parties about reuse opportunities at sites and connecting communities exploring site reuse opportunities

70+
Stakeholders at 14 Superfund sites recognized with Excellence in Site Reuse awards. The contributions and partnership of six state agencies were also recognized with the State Excellence in Supporting Reuse Award.

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"EPA helps communities participate in the cleanup process and realize the redevelopment potential of Superfund sites, transforming formerly contaminated land across the country into valuable community resources."

Steven Cook,
Deputy Assistant Administrator,
EPA Office of Land and
Emergency Management

New Bedford Harbor

(New Bedford, Massachusetts)

From 1938 to the late 1970s, industrial facilities discharged wastes into New Bedford Harbor. Today, EPA is addressing the 18,000-acre site through a cleanup of the estuary system from the upper Acushnet River into Buzzards Bay. After cleanup, the city of New Bedford plans to reuse EPA's cleanup facilities as an intermodal transportation facility. The area, located on the city's working waterfront, will include berthing space for freighters and commercial fishing vessels, a 55,000-square-foot warehouse, and a rail spur that connects to the city's rail yard. In addition, EPA's demolition of the 17-acre Aerovox mill will provide the city with space for future redevelopment along the Acushnet River. EPA Administrator Andrew Wheeler joined community stakeholders and EPA staff for a boat tour of the site's ongoing cleanup in July 2018, as part of activities highlighting Redevelopment Opportunity sites.

2018 Redevelopment Opportunity Sites

(Partial Listing)

Crater Resources (Pennsylvania)

Eagle Mine (Colorado)

Florida Steel Corp. (Florida)

Frontier Hard Chrome Inc. (Washington)

Kerr-McGee Chemical Corp. – Columbus (Mississippi)

Koppers Co., Inc. (South Carolina)

Libby Asbestos (Montana)

Many Diversified Interests, Inc. (Texas)

MGM Brakes (California)

New Bedford Harbor (Massachusetts)

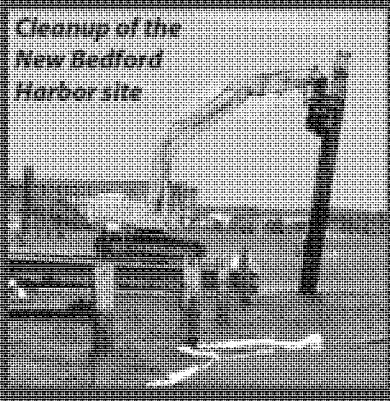
Peoples Natural Gas Co. (Iowa)

Raymark Industries, Inc. (Connecticut)

Sharon Steel Corp. (Utah)

St. Louis River (Minnesota)

U.S. Smelter and Lead Refinery, Inc. (Indiana)



Cleanup of the New Bedford Harbor site

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Community Connections

Record Year for Regional Seed Projects

To date, Superfund Redevelopment has supported over 250 regional seed projects. In 2018, it supported 23 of these projects – the most regional seed projects supported by Superfund Redevelopment in a single year.

BJAT LLC (*Franklin, Massachusetts*): A reuse assessment for this former rubber manufacturing facility identified opportunities for industrial, storage, solar and recreational uses.

Peterson Puritan (*Cumberland and Lincoln, Rhode Island*): Working sessions with local stakeholders built on reuse assessment findings to address the ownership and reuse of this abandoned landfill.

Arrowhead Refinery (*Hermantown, Minnesota*): Facilitation services tackled reuse barriers and identified ways to integrate remedy and reuse considerations for this former waste oil recycling facility.

Lee's Lane (*Louisville, Kentucky*): A reuse assessment helped the community explore how site features and reuse can support neighborhood revitalization, ecological restoration and city planning goals.

Lee's Lane

Regional Seeds

Superfund Redevelopment provides these resources to communities at the request of EPA's regional offices. Regional seeds provide an important catalyst for communities to begin the process of returning Superfund sites to productive use. The seed concept provides an initial investment to bring stakeholders to the table, clarify land use controls, and identify suitable reuse options that communities can pursue.

Once the reuse planning process gains momentum, communities leverage the initial investment with resources from local governments, stakeholders, states and organizations to continue the process of restoring a Superfund site to productive use.

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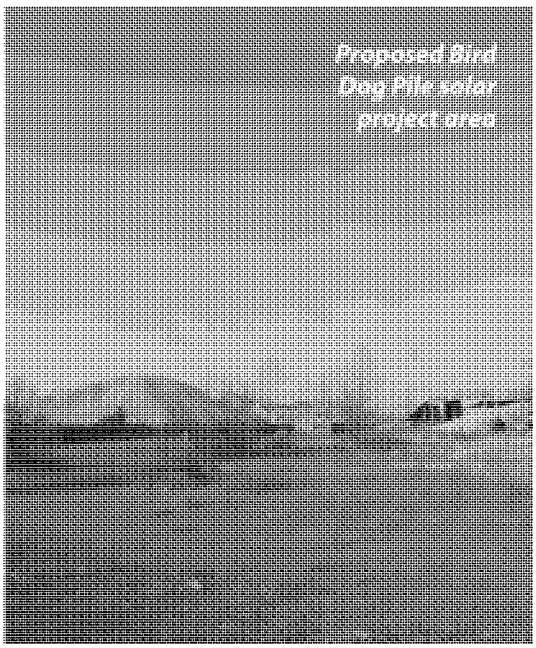
Iron King Mine - Humboldt Smelter

Iron King Mine – Humboldt Smelter (*Dewey-Humboldt, Arizona*): Building on an earlier reuse assessment, Superfund Redevelopment is facilitating reuse working sessions with community stakeholders to explore opportunities for recreational amenities on site that celebrate the area's industrial heritage and leverage the regional tourism economy.

McCormick & Baxter (*Portland, Oregon*): Facilitated reuse discussions that include the University of Portland are focused on long-term ownership and stewardship of this former creosote wood-treating facility.

Solar Assessments Bringing Stakeholders Together, Energizing the Future

At the Tar Creek Superfund site in Ottawa County, Oklahoma, Superfund Redevelopment funding has supported plans for an innovative solar facility. Superfund Redevelopment worked on a solar reuse assessment in partnership with the Grand River Dam Authority and the Quapaw Nation. EPA and the Quapaw Nation are developing cleanup plans for an 1,100-acre solar project area known as the Bird Dog Pile. By coordinating cleanup with planning for the solar facility, the goal is to expand the solar footprint and reduce flood risk and construction costs. The project area has the potential to support a 150-megawatt solar facility.



Proposed Bird Dog Pile solar project area

At the Yeoman Creek Landfill site in Waukegan, Illinois, the site owner, the local school district and the site's responsible parties worked with Superfund Redevelopment to evaluate the site's capacity to support utility-scale solar. The assessment identified a 45-acre area suitable for a 6-megawatt facility. Based on the solar assessment, the Waukegan School District selected a solar developer; project planning is now underway.

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Trainings and Outreach
Cultivating Dialogue and Learning

EPA provides stakeholders with the information they need to return sites to beneficial use by sharing reuse lessons learned during webinars and at trainings and conferences. In 2018, Superfund Redevelopment presentations and trainings focused on community engagement, redevelopment and the Superfund process, and industrial reuse.

"The seminar was interesting, timely and relevant to other work that we are doing. I plan to participate in future seminars."

- 2018 Participant

- The "Superfund and Cultural Competence – Building a Foundation for Effective Community Engagement" webinar shared how understanding cultural competence skills and tools can help people connect and work together more effectively.
- Training sessions focused on ways that redevelopment efforts can be incorporated throughout Superfund cleanups and how to facilitate revitalization opportunities at capped sites.
- The "Bringing Industrial Reuse to Superfund Sites" webinar helped stakeholders learn about ways to advance economic development opportunities at sites nationwide.

Superfund Redevelopment Initiative's 20th Anniversary: Making History

Former Waste Disposal Area in Virginia Now Home to Recreational Jewels

The Chisman Creek Superfund site is one of the first Superfund sites in the country, and its pioneering redevelopment continues to be a national success story two decades later.

The site is located near historic Yorktown and the Hampton Roads metropolitan area. Chisman Creek flows into the nearby Chesapeake Bay, one of the world's most important estuaries. Before the site was cleaned up, it was unusable land that provided no community benefits. Now the site has been transformed into two jewels of the York County park system. High-quality recreation facilities at two popular athletic parks have hosted thousands of games and visitors. New softball fields were recently added to the parks.

Libby's Riverfront Park ribbon-cutting ceremony

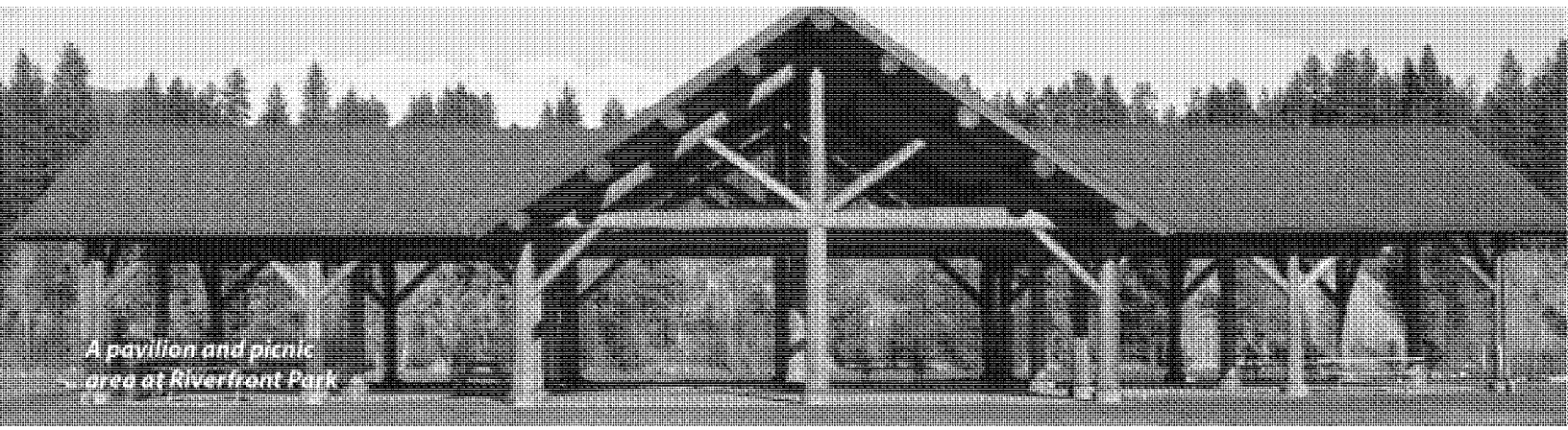
Reuse Planning in Montana Builds Strong Foundations for the Future

Superfund Redevelopment-sponsored reuse planning efforts for a former lumberyard at the Libby Asbestos Superfund site and the Libby Groundwater Contamination site in Libby, Montana, have built stakeholder partnerships and resulted in an action plan for Kootenai Business Park.

"We're very optimistic about what's going on in Libby. I just see a new energy everywhere, an enthusiasm for the area, and how beautiful it is."

- Ellen Johnston,
Local Business Owner

In addition to the cleanup restoring neighborhoods and business areas, reuses on other parts of the site include Riverfront Park. The facility has river access, pavilions (below), a memorial, parking and picnic tables. People put in boats to experience one of the area's many renowned fisheries. At dusk, others take a quiet moment to sit and enjoy the park's mountain views and watch the water flow past. Groups come together for community gatherings and celebrations. Superfund Redevelopment has published an in-depth case study and a video documenting cleanup, public health and revitalization outcomes in Libby.



A pavilion and picnic area at Riverfront Park

Sites in Florida, Iowa, Oregon and West Virginia Recognized for Excellence in Reuse

Each year, EPA's Excellence in Site Reuse awards recognize partners who have worked collaboratively and gone the extra mile to support site redevelopment in ways that are beneficial to communities and compatible with cleanups. In 2018 and 2019, stakeholders at sites in Florida, Iowa, Oregon and West Virginia were among those EPA recognized for their contributions.

At the Piper Aircraft Corp./Vero Beach Water & Sewer Department Superfund site in Vero Beach, Florida, the company reduced EPA's long-term stewardship responsibilities through "greening" its environmental management practices, coordinated cleanup design to ensure its compatibility with the site's continued use, and continues to be a good neighbor in the community, protecting human health and the environment while also supporting the local economy.

In Dubuque, Iowa, EPA recognized two reuse successes with the Leading Environmentalism and Forwarding Sustainability (L.E.A.F.S.) Award. City and state agencies and the MidAmerican Energy Company earned the award for revitalization of the Peoples Natural Gas Co. Superfund site, which is now home to the Jule Operations and Training Center.

At the John Deere (Dubuque Works) site, the company seeded native grasses and wildflowers to stabilize soil on part of a landfill, and installed a walking trail to promote employees' wellbeing.

In Portland, Oregon, the Howard Orlean Excellence in Site Reuse Award recognized the successful redevelopment of the Reynolds Metals Company Superfund site into the thriving Troutdale Reynolds Industrial Park. FedEx Ground anchored the industrial park, which opened in 2010 and provides about 1,000 jobs. A new Amazon fulfillment center, currently under construction, will double the number of jobs on site.

At the Sharon Steel (Fairmont Coke Works) site in Fairmont, West Virginia, EPA recognized project partners for their commitment and dedication in restoring the 97-acre site. The West Virginia State Police Troop 1 Headquarters is built on part of the site. Fifty additional acres are currently available for reuse.

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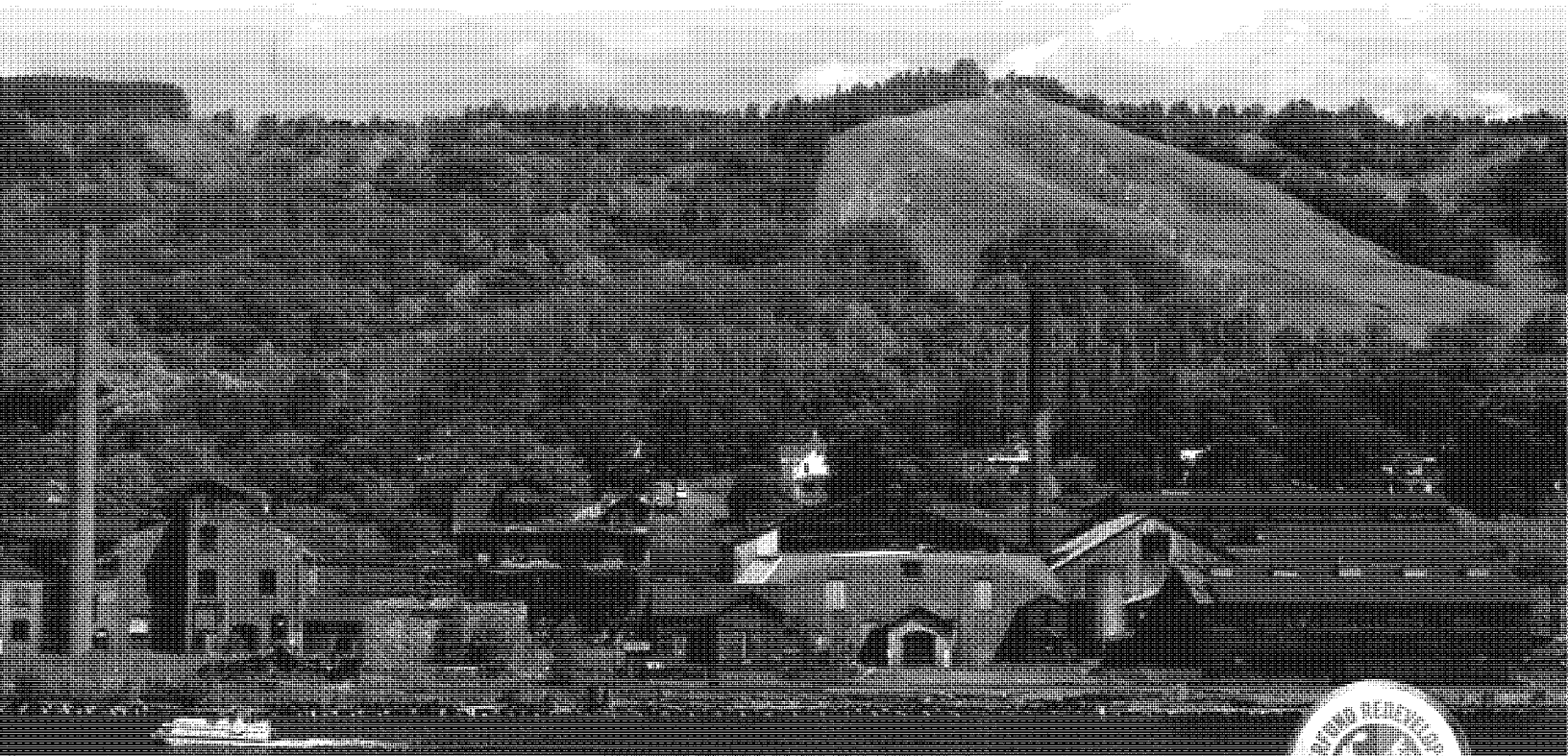
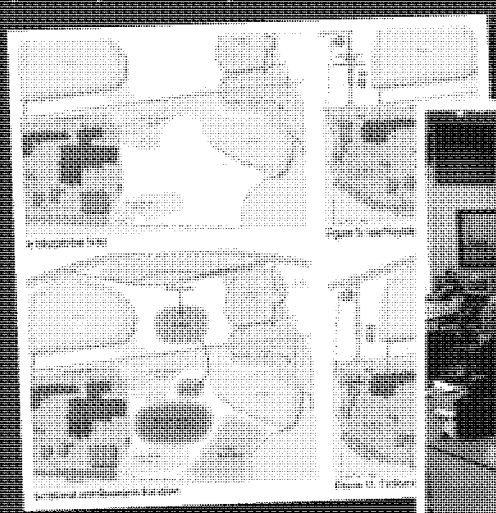


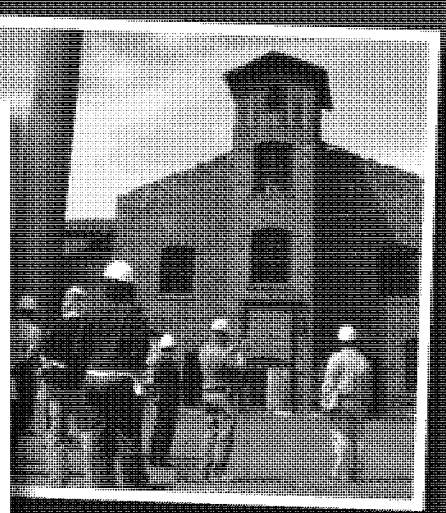
Superfund Redevelopment Initiative's 20th Anniversary: Making History

Renowned Copper Smelter in Michigan Now Part of National Historic Landmark

Built in 1898, the Quincy Smelter in Houghton County, Michigan, is the best-preserved copper smelter in the country. EPA, the National Park Service, the Keweenaw National Historical Park Advisory Commission, the Michigan Department of Environmental Quality, local governments and community organizations worked together to address the site's environmental contamination while preserving the area's remarkable historical resources. Today, the smelter is part of the Quincy Mining Company National Historic Landmark.

Efforts by Superfund Redevelopment and community leaders led to the creation of a shared vision and reuse plan for the site and spurred inter-agency collaboration resulting in its remediation. Following cleanup, federal, state and local partners identified an ownership transfer strategy, coordinated the site's deletion from the National Priorities List, and assisted with transfer of site ownership to the Advisory Commission. The Advisory Commission has since worked to further stabilize the site's historic structures and address additional environmental issues. It has also collaborated with local partners to provide tours of the site and prepare for the area's long-term management as a part of Keweenaw National Historic Park and as a gateway to Isle Royale National Park.





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Superfund Redevelopment

FIRST REUSE ASSESSMENT

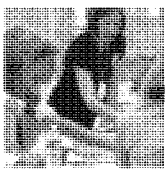
In 2000, the city of Midvale, Utah, used its Superfund Redevelopment pilot grant to develop the groundbreaking Bingham Junction Reuse Assessment and Master Plan for the Midvale Slag Superfund site. Today, the site is home to Bingham Junction, a thriving mixed-use development supporting thousands of jobs (see page 4).

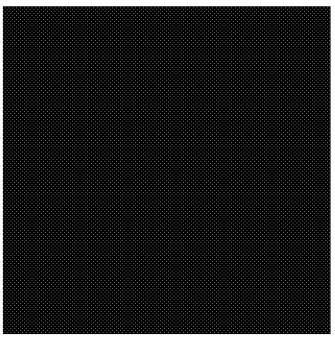
FIRST READY FOR REUSE DETERMINATION

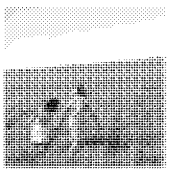
In 2003, EPA, the Texas Commission on Environmental Quality and Texas City co-signed the nation's first Ready for Reuse Determination for the Tex Tin, Inc. Superfund site in Texas City, Texas. The EPA site status report summarized site history, cleanup actions and the remedy's compatibility with industrial uses. A bulk oil storage and transfer facility is now located on site. To date, Superfund Redevelopment has supported 23 Ready for Reuse Determinations.

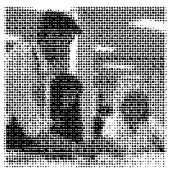
FIRST EPA REUSE PERFORMANCE MEASURE

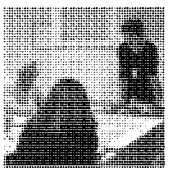
In 2006, the Sitewide Ready for Anticipated Use performance measure became EPA's first reuse-focused Government Performance and Results Act performance measure.

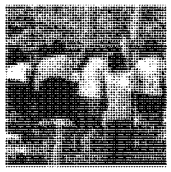












FIRST PILOT GRANTS FOR SUPERFUND REDEVELOPMENT

In 1999, Superfund Redevelopment provided the first resources to communities to explore Superfund reuse through pilot-grant cooperative agreements. The pilot program helped almost 70 communities lay the groundwork for successful Superfund Redevelopment projects. Today, Superfund Redevelopment's in-kind resources continue to provide on-the-ground reuse support to communities. Since 1999, Superfund Redevelopment has provided efficient, dynamic reuse support services to over 350 communities nationwide.

FIRST SUPERFUND REUSE INQUIRY PROCESS

Supported by Superfund Redevelopment and pioneered in EPA Region 4 in 2005, the Prospective Purchaser Inquiry Service provides accurate, comprehensive information about Superfund sites free of charge. A response team helps address questions prospective purchasers may have about a site's Superfund status, helping them make informed and timely decisions about the purchase and use of a Superfund site.

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Firsts

FIRST-EVER CLEANUP BY A NON-LIABLE PARTY

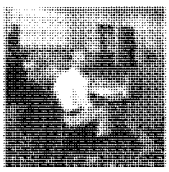
A Superfund Redevelopment pilot grant to the city of Houston, Texas, supported community planning efforts for the potential reuse of the Many Diversified Interests, Inc. (MDI) Superfund site. The resulting plan recommended mixed residential, recreational and neighborhood-scale commercial uses for the site. In 2006, to help spur redevelopment opportunities at the site, a non-liable prospective purchaser entered into an agreement with EPA to implement part of the cleanup plan. The prospective purchaser completed cleanup of on-site soils in 2008. MDI is the first-ever Superfund cleanup conducted by a non-liable party; it saved taxpayers $6.6 million in cleanup costs.

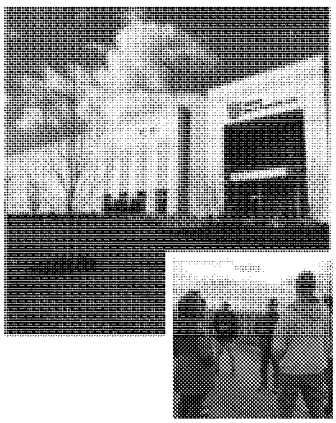
FIRST TRACKING OF THE BENEFICIAL EFFECTS OF REUSE

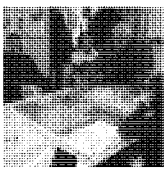
In 2011, Superfund Redevelopment started tracking the beneficial effects of reuse in communities. It tracks the number of businesses located on Superfund sites, as well as the number of employees, annual income and annual sales (see page 16).

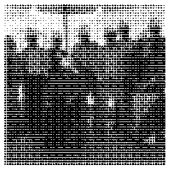
FIRST STATE EXCELLENCE IN SUPPORTING REUSE AWARD

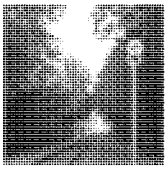
In 2014, EPA developed the State Excellence in Supporting Reuse Award to recognize state partners whose work has led to lasting benefits that enhance community quality of life and ensure the long-term protectiveness of site remedies and stewardship of the environment. In its inaugural year, EPA recognized three state agencies – the Florida Department of Environmental Protection, the Michigan Department of Environmental Quality and the Utah Department of Environmental Quality.

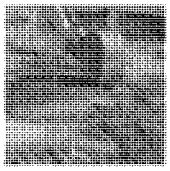












FIRST EXCELLENCE IN SITE REUSE AWARD

In December 2008, EPA Region 4 recognized the Port Salerno Industrial Park (PSIP) in Martin County, Florida, with the first-ever Excellence in Site Reuse Award for its reuse of the Solitron Microwave Superfund site. PSIP purchased the site property in 2003 and coordinated with EPA during construction of an industrial park for warehouse, office space and commercial facilities. This award inspired all EPA Regions to develop similar programs.

FIRST NONPROFIT REDEVELOPMENT PARTNERSHIPS

Superfund Redevelopment has built a network of partner organizations – the Academy of Model Aeronautics, the Pollinator Partnership, the Rails-to-Trails Conservancy, The Trust for Public Land, the U.S. Soccer Foundation – to help communities pursue redevelopment opportunities. To learn more about Superfund Redevelopment partners, visit https://www.epa.gov/superfund-redevelopment-initiative/superfund-redevelopment-partnerships.

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The Economics of Superfund Redevelopment

Superfund Redevelopment collects and maintains economic data for Superfund sites in reuse and continued use. It has estimated the national economic beneficial effects of Superfund sites in reuse and continued use since 2011. The results are remarkable. In fiscal year 2018, 529 Superfund sites supported 8,690 businesses that provided 195,465 jobs, resulting in $13.3 billion in estimated annual employment income and $52.4 billion in annual sales. Cleaned-up sites in use also generate property tax revenues for local governments.

Superfund Redevelopment conducted the research that identified and confirmed these findings. Its reports highlight these economic numbers by EPA Region, recognizing beneficial impacts at the state level. Superfund Redevelopment case studies take a closer look at community benefits provided by these sites with new and ongoing uses.

The cleanup and reuse of Superfund sites often restores value to site properties and surrounding communities that have been negatively affected by contamination. Site redevelopment can revitalize a local economy with jobs, new businesses, tax revenues and local spending.

Superfund sites across the country are home to industrial and commercial parks, retail centers, government offices, and neighborhoods. Many sites continue to host industrial operations such as large-scale manufacturing facilities. Other sites support natural areas, parks and recreation facilities.

Sites in Reuse and Continued Use:
Business and Job Highlights (2018)

529 Sites

8,690 Businesses

$52.4 Billion dollars in annual sales

195,465 People employed

$13.3 Billion dollars in annual employee income

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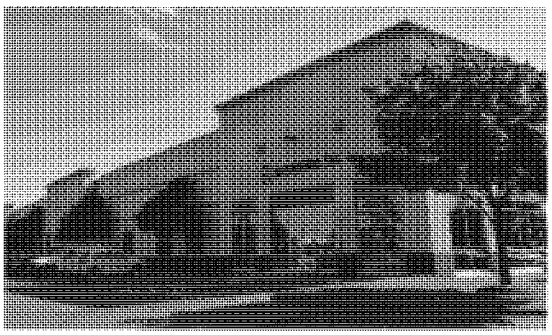
Bunker Hill
(Coeur d'Alene Basin, Idaho)

This Superfund site is part of one of the largest historic mining districts in the world. Today, the site supports a wide range of commercial, industrial, public service, residential and recreational reuses. The site is now home to the Silver Mountain Resort, a year-round tourist destination. The Trail of the Coeur d'Alenes, a 72-mile scenic bike trail, passes through the site. Cleanup also resulted in significant ecological benefits, including the restoration of once-barren hillsides across the site.

Site businesses employ over 2,800 people, providing about $105 million in annual employment income and generating an estimated $346 million in annual sales. Site properties are currently valued at nearly $282 million and generate about $4.4 million in annual property tax revenues.

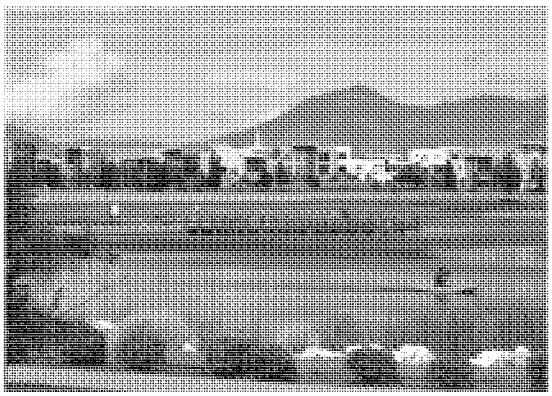
Havertown PCP
(Philadelphia, Pennsylvania)

At this former wood-treating facility, an 80,000-square-foot on-site YMCA facility now serves 24,000 members. Thoughtful remedial design resulted in a cap that contains contaminated soil and allowed for construction of a new storage facility on top of it. Five commercial businesses at the site generate over $9.3 million in annual sales. They employ over 400 people, providing annual employment income of over $14 million to the local community. Site property parcels have a total property value of $7.8 million and generate more than $14,000 in tax revenues.



Joslyn Manufacturing & Supply Co
(Minneapolis-St. Paul, Minnesota)

This former wood-treating facility is now a busy commercial and industrial park. Businesses at Twin Lakes Business Park employ about 291 people and provide nearly $36.2 million in annual income. Facilities at the business park offer commercial and industrial space with a total estimated market value of nearly $26.9 million.



Kennecott South Zone
(Salt Lake County, Utah)

Open communication, extensive collaboration and innovative thinking helped contribute to the transformation of this industrial site into a thriving residential area and regional economic hub. Operable unit 7 (OU7) and surrounding areas support Daybreak, the largest master-planned community in Utah. Businesses in OU7 employ about 914 people, providing nearly $38 million in annual employment income and generating an estimated $143.2 million in annual sales.

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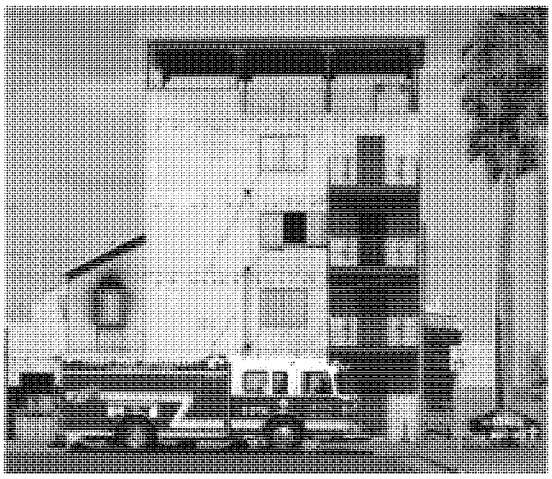
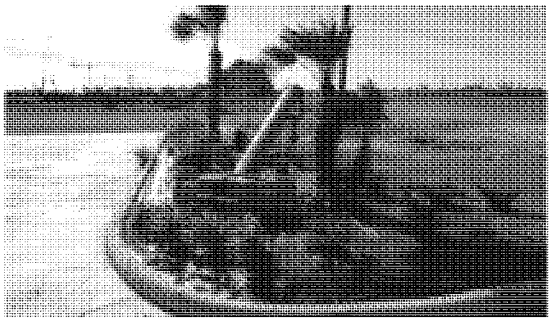


Phoenix-Goodyear Airport Area
(Goodyear, Arizona)

Cleanup has enabled the continued operation of one of the Southwest's major aviation and defense-related manufacturing hubs. Treated groundwater from the site provides billions of gallons of clean water to the surrounding community for various uses. Agricultural reuse on part of the site also helps stabilize and improve the soil while providing hay for livestock feed. In total, 31 site businesses employ about 1,025 people, providing annual employment income of over $40 million. Site properties generate nearly $165,000 in tax revenues and have an estimated property value of over $43.5 million.



State Marine of Port Arthur/Palmer Barge Line
(Port Arthur, Texas)

From the 1970s until the 1990s, marine industrial activities took place at these two adjacent Superfund sites. Today, after cleanup, site reuses include industrial barge cleaning and repair operations and office space. These businesses generate tens of millions of dollars in annual sales and contribute millions of dollars in estimated annual employee income.

Wells G&H
(Woburn, Massachusetts)

A Superfund Redevelopment-funded reuse planning process enabled the community to explore options for three site properties and develop a comprehensive reuse plan. A former auto-parts property is now the home of the Holland Arena ice rink. Recreation trails are now located on city-owned property at the site. The W.R. Grace property is now the location of restaurants and a hotel. Businesses on properties associated with cleanup actions support 297 jobs and provide over $12 million in annual employment income. These businesses generate almost $47 million in sales.

Rocky Mountain Arsenal
(Denver, Colorado)

This former military and pesticides manufacturing facility has undergone extensive cleanup and is now one of the largest urban wildlife refuges in the United States. Today, over 340,000 annual visitors enjoy fishing, hiking and bird watching at the Rocky Mountain Arsenal Wildlife Refuge, which is one of the most visited natural areas in the country. It supports hundreds of species of wildlife, including bison, prairie dogs, bald eagles and black-footed ferrets. In addition, a 917-acre area at the site supports a high school, the Commerce City Civic Center, 400 acres of community parks and soccer fields, a 25,000-seat stadium, and room for commercial development.

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BENEFITS OF REUSE at Superfund sites

JOB DEVELOPMENT

In FY 2018, at 529 Superfund sites in reuse:

8,690	195,465	$13.3B
businesses operating	people employed	annual employment income

REVENUE

At these Superfund sites, EPA spent $13+ billion

In 2018 at these sites, operating businesses generated $52+ billion

4x EPA spending

Over the past 8 years, operating businesses generated $263+ billion

20x EPA spending

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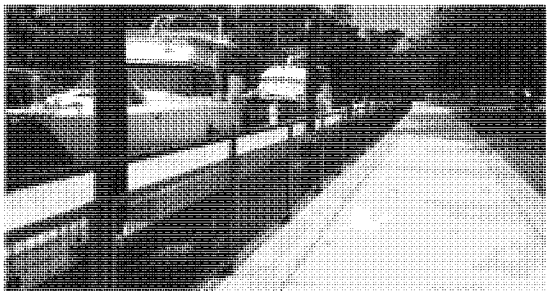
Best Practices – Inspiring New Possibilities

Superfund Redevelopment captures the stories of people and organizations that have returned Superfund sites to beneficial use to inspire and guide other communities. These stories are captured in fact sheets, case studies, videos and other materials and shared on social media, in webinars and on the Superfund Redevelopment website. Compelling recent Superfund Redevelopment stories from across the country are presented below.

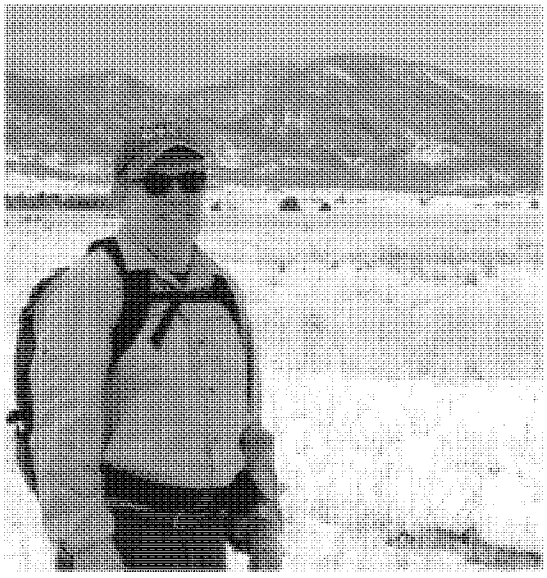
Indian Island
(Humboldt Bay, California)

Indian Island is the long-time cultural and spiritual home of the Wiyot people. Part of the island – the Indian Island Superfund site – was an active shipyard for more than a century. Extensive collaboration between the Wiyot Tribe and local, state and federal agencies, including EPA, has made possible major cultural and environmental restoration efforts. Over more than a decade, the Wiyot Tribe leveraged more than $2.8 million in state and federal resources to clean up the site. In 2013, the tribe held its world renewal ceremony on site for the first time in more than 150 years. The tribe's future plans for the site include tribal gathering areas, cultural display buildings, a restored dock and canoe landing, a fire ring, an interpretative trail, and camp kitchen facilities.



Bayou Bonfouca
(Slidell, Louisiana)

This site was contaminated with waste material from a wood-treating plant. Working with federal and state partners, cleanup restored 1.5 miles of the bayou, which the site owners donated to the city of Slidell. Today, the area is home to municipal services departments, Heritage Park, a public boat launch and a state-of-the-art marina.



Rocky Flats Plant
(Golden, Colorado)

This site was home to one of 13 nuclear weapons production facilities in the United States during the Cold War. Managed by the U.S. Department of Energy (DOE), the plant was active from 1952 to 1994. Today, following a $7 billion cleanup, part of the site is now home to the Rocky Flats National Wildlife Refuge. Established in 2007, the refuge is managed by the U.S. Fish and Wildlife Service. The 5,237-acre area has striking vistas of the Front Range of the Rocky Mountains and rolling prairie grasslands, woodlands and wetlands. It is home to 239 wildlife species, including prairie falcons, deer, elk, coyotes, songbirds and the federally threatened Preble's Meadow jumping mouse. EPA Administrator Andrew Wheeler joined agency officials to celebrate the opening of a new trail system at the refuge in September 2018.

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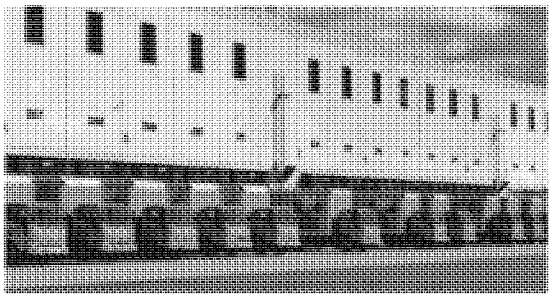
Eagle-Picher Henryetta
(Henryetta, Oklahoma)

A new community health clinic on a former zinc smelter site in Henryetta, Oklahoma, is providing residents with vital medical, dental and behavioral health care services. Superfund Redevelopment helped make the project possible, providing support for the development of a Ready for Reuse Determination for the site. The environmental status report clearly communicated that building a health clinic on site would be compatible with the site's remedy and remain protective. The determination helped in procuring a $1 million grant from the U.S. Department of Health and Human Services for the clinic's construction.

In October 2018, years of hard work came to fruition – the East Central Oklahoma Family Health Center opened to the public. The 7,600-square-foot facility includes 12 exam rooms and a procedure room as well as three dental units with digital X-ray services. Community members and officials from the city of Henryetta, EPA, the Oklahoma Department of Environmental Quality and other project partners celebrated the center's opening. EPA also recognized the community and the health center with a 2018 Excellence in Site Reuse Award.

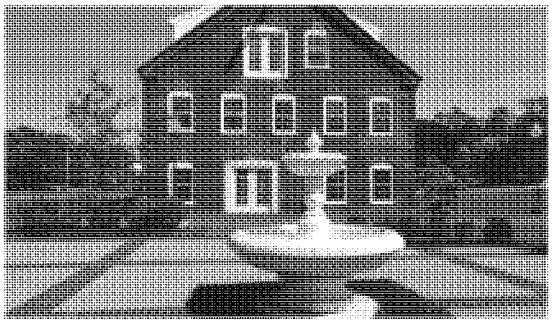


PJP Landfill
(Jersey City, New Jersey)

PJP Landfill now hosts a state-of-the-art warehouse and distribution center after EPA and the state of New Jersey redesigned the cap to accommodate redevelopment. EPA recognized the New Jersey Department of Environmental Protection and Prologis Corporation for their efforts to redevelop the site.

Continental Steel
(Kokomo, Indiana)

Today, following cleanup, this former steel manufacturing facility hosts a range of facilities, including the Wildcat Creek Soccer Complex and a solar energy array providing enough energy to power 1,000 homes. Cleanup of Wildcat Creek allowed for flood mitigation and boat ramp access. Other redevelopment outcomes at the site include a stormwater retention pond, wind turbines, landscaping and road infrastructure improvements.



31 Water Street
(Amesbury, Massachusetts)

Cleanup and redevelopment of this former industrial area is a vital part of the community's city-wide redevelopment efforts. Today, Heritage Park, a recreation area and education resource, is located on the site. A bandstand and river walk will soon be added. Future plans call for conversion of a former carriage house on site into a community heritage center.

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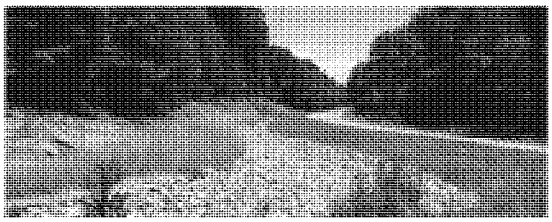


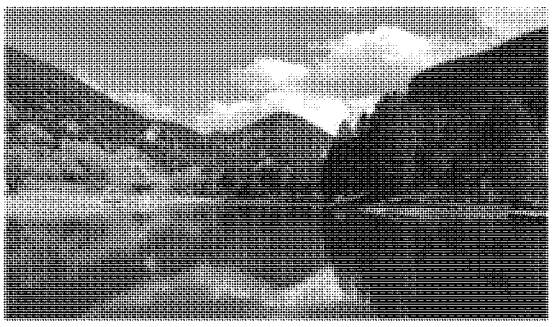
Henry's Knob
(Clover, South Carolina)

An innovative remedy at this former mine site is protecting public health and the environment while also serving as vital native habitat for pollinators and other species.

East Helena
(East Helena, Montana)

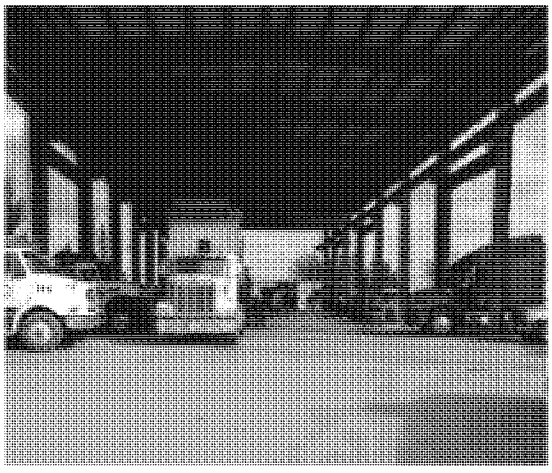
The East Helena Superfund site includes a former lead smelter, several neighborhoods and surrounding agricultural lands. The site's cleanup is enabling a bright, mixed-use future focused on community heritage, culture and the arts, education, recreation, and economic development. Through a Superfund Redevelopment community workshop, community representatives and key stakeholders developed a vision and long-term goals and priorities to shape the cleanup and local planning processes.

Today, East Helena Public Schools has built a new elementary school on site and broken ground for construction of a new public high school. Montana-based developers have purchased hundreds of acres of site property and are working with the local government on plans for a residential subdivision and a mixed-use project. Prickly Pear Creek has been restored. An ArtPlace grant is funding a robust community collaborative effort to create a culinary education center and employment opportunities in the food and hospitality sector. A four-week cooking camp in East Helena recently taught local children about the importance of fresh ingredients, how to waste less food, local food systems, nutrition, and safety and life skills.



Eagle Rock Lake at Chevron Questa Mine
(Questa, New Mexico)

After contamination from this mine impacted Eagle Rock Lake, the community focused on its restoration as part of plans for outdoor recreation and tourism. Today, the area is once again a valued community resource. The lake is stocked with rainbow trout. People fish from piers along its shores and enjoy trails designed to be accessible to people with disabilities.



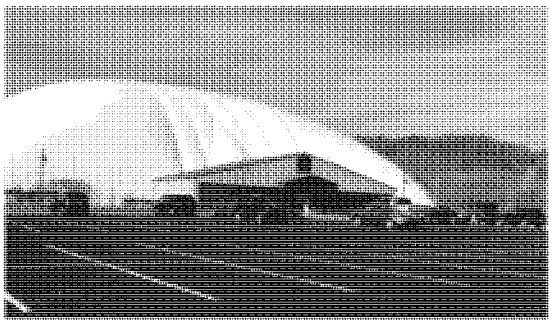
Pepper Steel & Alloys, Inc.
(Medley, Florida)

EPA, state agencies, the Miami-Dade County Department of Environmental Resources Management and other project partners worked together to clean up this industrial area and return it to productive use. Site reuses have included truck storage and staging as well as concrete manufacturing. Today, a recreational boat company is working on plans for a boat manufacturing facility on the site's northern parcel. Another parcel has been subdivided and sold; planning for additional site development on these areas is underway. The local government is also exploring ways to improve access and infrastructure at the site.

ED_005584A_00008156-00024

Tulsa Fuel and Manufacturing
(Collinsville, Oklahoma)

Following cleanup of this former zinc smelter, Shadow Mountain Honey Company has expanded its operations onto part of the site. The area is now home to six honeybee hives, with 16 hives planned for the near future. Clover planted during site restoration makes an ideal habitat for bees. Cleanup resulted in the transformation of this once-contaminated smelter property into restored ecological habitat, one well-suited to supporting the protection of bees and production of high-quality honey.



Ohio River Park
(Neville Island, Pennsylvania)

This former landfill is now home to the Island Sport Center, a 32-acre sports and entertainment complex. It includes a golf training facility, a fitness center, a restaurant, a covered golf dome, outdoor areas for track, lacrosse, soccer and baseball, a shotput practice area, parking and a 5-acre building housing two Olympic indoor ice-skating rinks. Several of these uses are located on top of capped areas of the site.

Whitmoyer Laboratories
(Lebanon County, Pennsylvania)

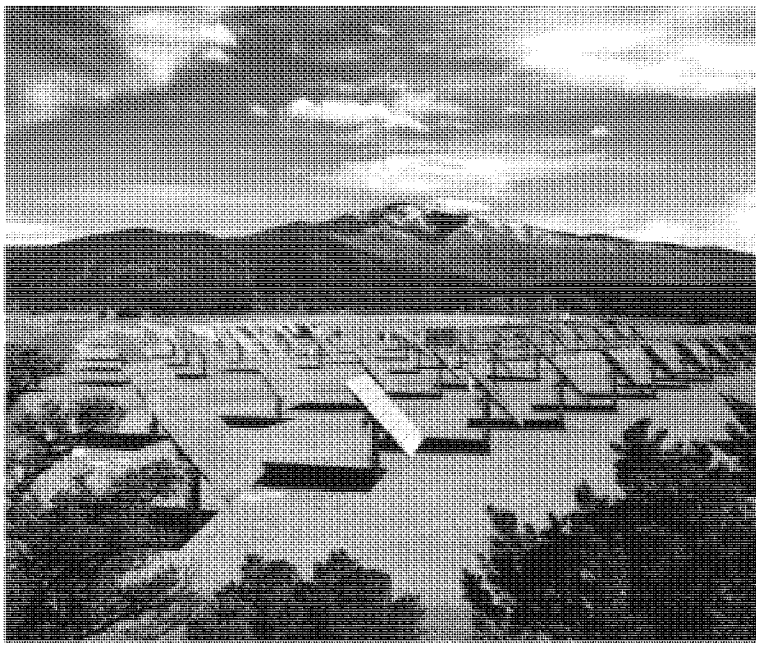
A veterinary and pharmaceutical manufacturing plant operated at this 22-acre site for 50 years. After cleanup, EPA entered into a Prospective Purchaser Agreement with Jackson Township to help speed the locality's acquisition of the site property for recreational use. Today, Jackson Recreational Park includes baseball and soccer fields as well as a scenic walking trail. The trail connects the community with other local and regional natural resources such as Tulpehocken Creek and the historic Union Canal.

California Gulch
(Lake County, Colorado)

EPA worked with the state, the community and the site's potentially responsible parties to coordinate redevelopment and ecological restoration work across this 18-square-mile former mining area. Redevelopment includes an urban development project at an old railyard, a community sports complex, the nationally recognized Mineral Belt Trail, and recreational trails along the Arkansas River. Colorado Parks and Wildlife also honored the area with a Gold Medal Waters designation, which notes the accomplishment of the Upper Arkansas River's improved water quality and revitalized habitat for trout and other wildlife.

ED_005584A_00008156-00025

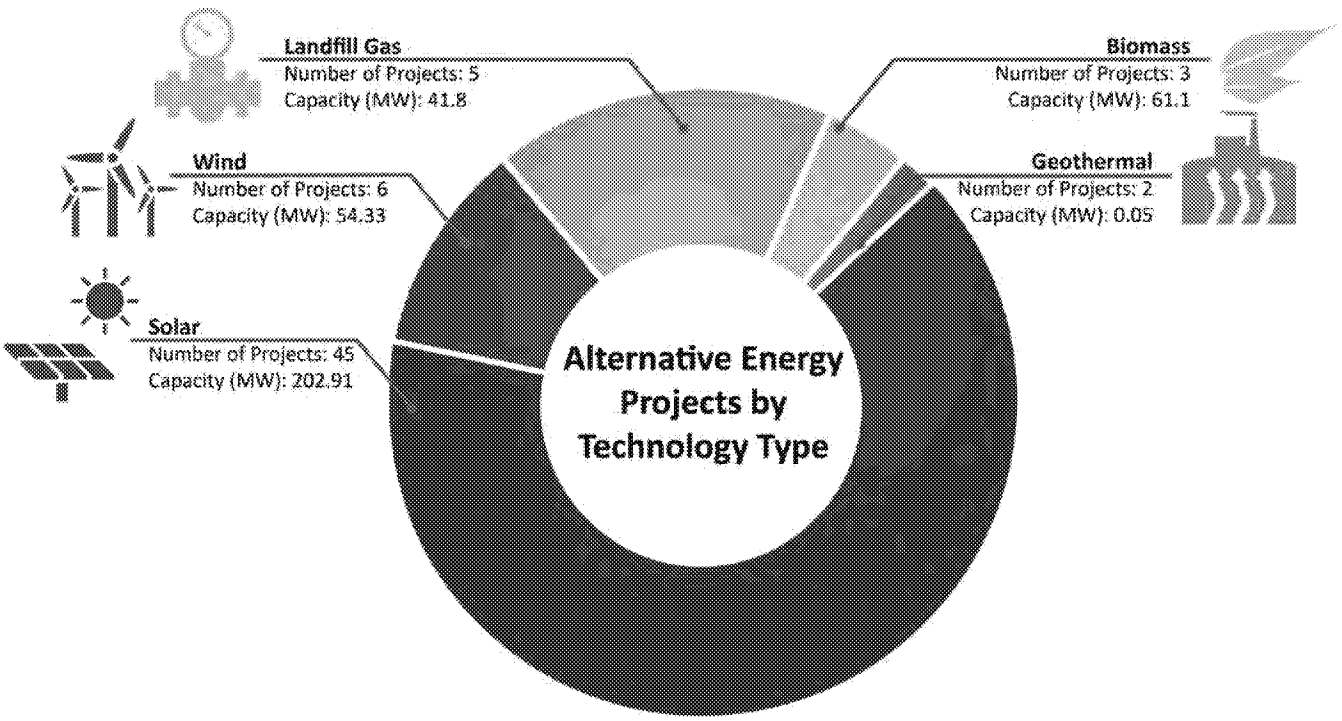
Superfund Sites Redeveloped for Alternative Energy Generation



Renewable energy resources – wind, solar, biomass and geothermal energy – are non-polluting, inexhaustible and increasingly cost-competitive. Alternative energy resources include renewable energy production as well as other energy sources, such as converting methane gas produced during natural decomposition of wastes into an electricity source. Superfund sites can be well suited for alternative energy production. Sites in urban and rural areas near utilities and transportation networks help keep development costs low.

Alternative energy resources can help communities create jobs and diversify local economies. They also are an important part of America's energy security and environmental sustainability. Nationwide, there are at least 75 Superfund sites in planned or actual alternative energy reuse; several of these sites are also using renewable energy technologies as part of green remediation strategies for site cleanups. Superfund Redevelopment helps communities reclaim and reuse contaminated lands for a wide range of purposes, including alternative and renewable energy.

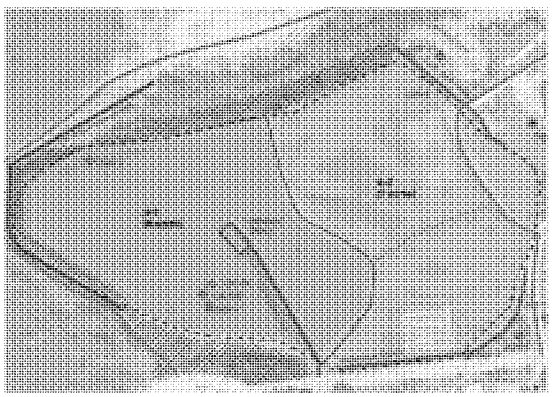
Many active and former Superfund sites are now home to alternative energy facilities. As of September 2018, 61 alternative energy projects are located on 59 Superfund sites; they have a total installed capacity of 360 megawatts, enough to power more than 95,000 homes.



Innovative Solar Projects Powering New England Communities

W.R. Grace & Co., Inc
(Acton, Massachusetts)

A Superfund Redevelopment reuse assessment for this former industrial manufacturing facility helped local stakeholders identify key reuse considerations for the site. After the site's remedy was in place, the town of Concord acquired 70 acres of the site and installed a solar array. Construction of the array, which has 15,000 panels and produces 4.5 megawatts of power, finished in 2017. The array supplies the town with 4.5 percent of its annual power needs and powers the equivalent of 625 homes. The project's second phase – a school bus depot – is up next. The depot will be powered by the solar array, with surplus power fed into the town's energy grid. A third phase will focus on construction of a wastewater treatment facility on site.



Somersworth Sanitary Landfill
(Somersworth, New Hampshire)

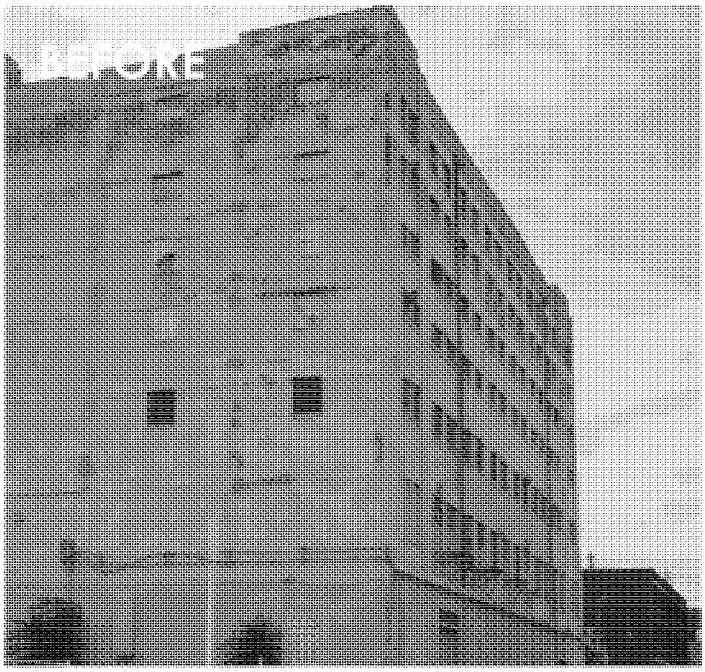
Through a solar pre-feasibility study, Superfund Redevelopment evaluated solar resource availability, remedy compatibility and project size options for this 26-acre landfill. The study identified a 15-acre area that could support a 4-megawatt solar facility. It also provided the local government with an evaluation of the project's potential financial impact that drew the attention of Somersworth's municipal leadership. In 2017, the city selected a solar developer and the solar project design development process started in 2018.

ED_005584A_00008156-00027

Before and After – Superfund Transformations

PCB Inc. of Missouri

Kansas City, Missouri



Extensive cleanup of this former waste disposal area made possible the construction of a mixed-use project that combines luxury apartments and ground-floor shopping areas. Today, the property is home to the Arterra 12-story luxury residential tower, the first high-rise apartment project built in the Crossroads Arts District area of downtown Kansas City.

Industri-Plex

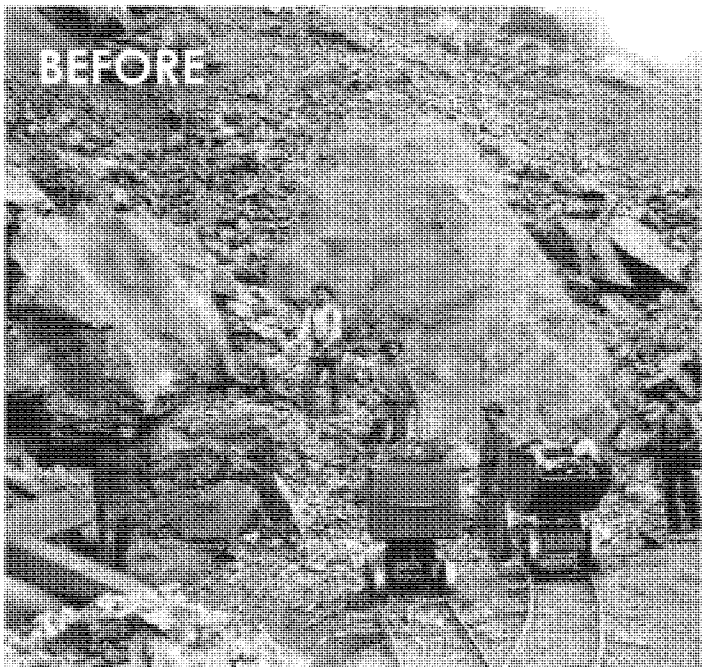
Woburn, Massachusetts

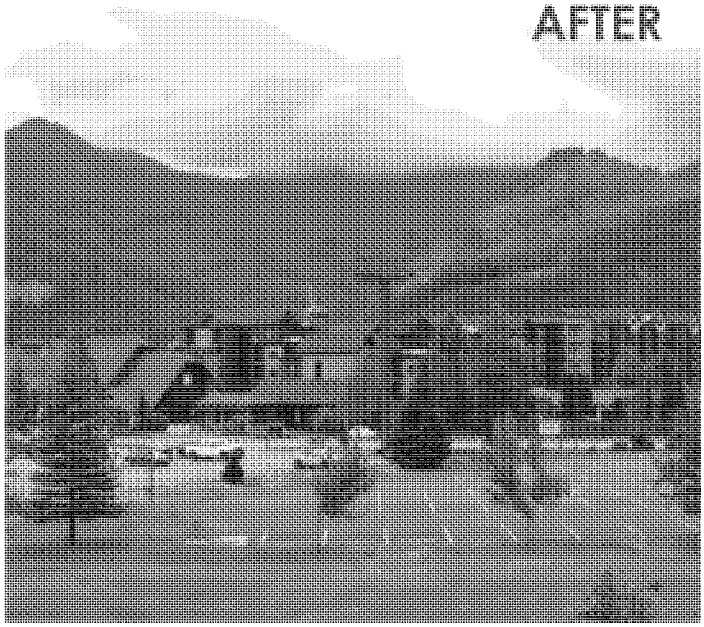
After more than 100 years of chemical manufacturing and processing, the site is home to open space, an interstate highway exchange, a shopping center, an office park and a hotel complex. The James Anderson Regional Transportation Center serves 1,200 commuter train riders daily and almost 20,000 Amtrak riders annually.

ED_005584A_00008156-00028

Bunker Hill Mining and Metallurgical Complex

Coeur d'Alene Basin, Idaho





This former mining and smelting area is now home to Silver Mountain Resort, residential areas, an 18-hole golf course, Silver Valley Business Center, commercial and industrial businesses, recreation areas and restored wetland habitat.

Midvale Slag

Midvale, Utah

This former smelter area is now home to a thriving mixed-use development that includes light rail system infrastructure, residences and assisted living facilities, office buildings for national and international companies, a supermarket, retail stores, and recreational amenities.

ED_005584A_00008156-00029

Superfund Redevelopment Initiative's 20th Anniversary: Making History

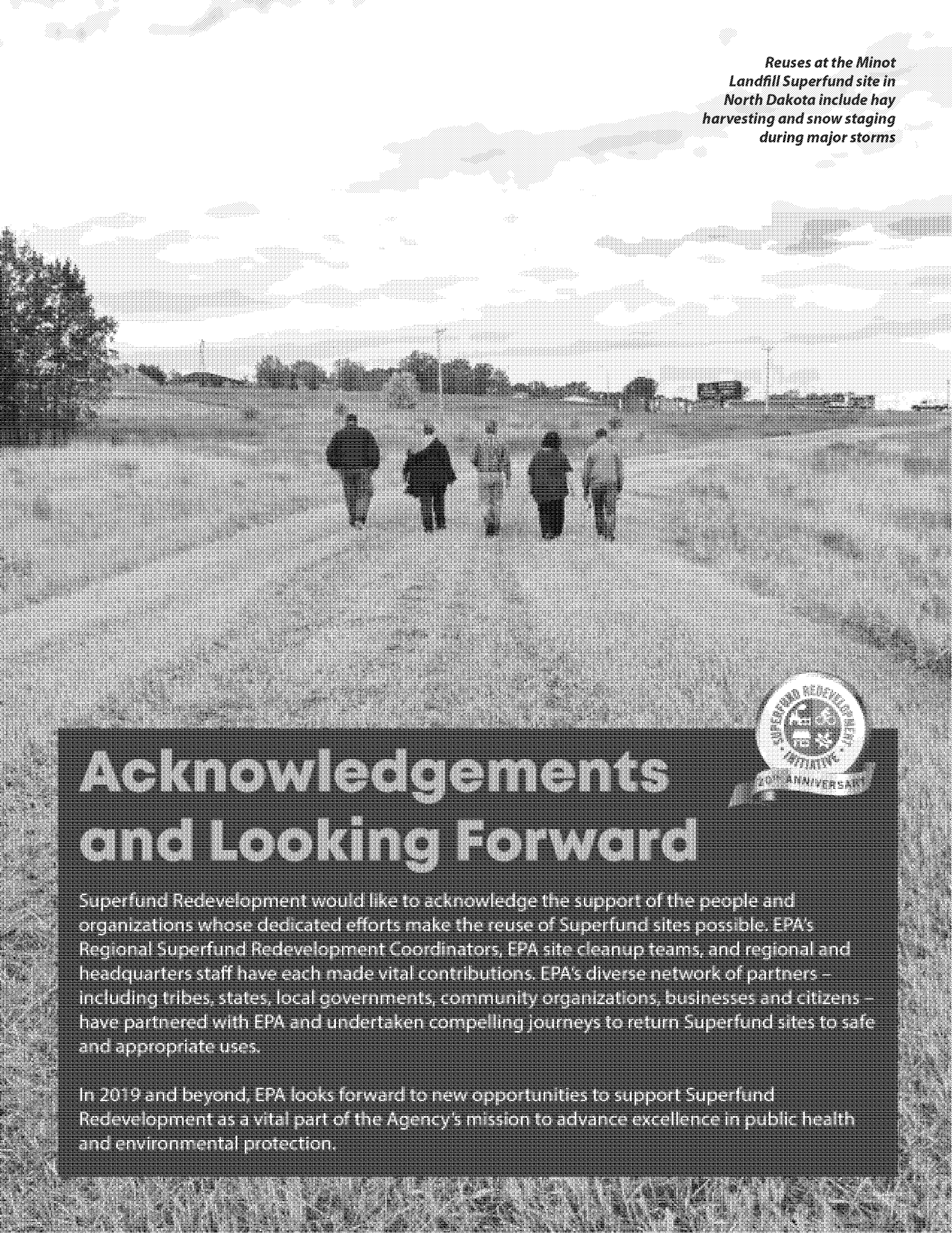
New Jersey Project Transforms Industrial Manufacturing Site into Riverfront Park, Public Transit Facility and Historic Preservation Space

Almost two decades ago, funded by a Superfund Redevelopment pilot grant from EPA, Burlington County developed a reuse plan for the Roebling Steel Company Superfund site, a former steel wire and cable product manufacturing facility. It identified several community priorities, including commercial and industrial development, open space, and historic preservation. The plan meshed well with the site's cleanup, which included removing contaminated materials, demolishing buildings, and restoring the shoreline and wetlands.

Today, a New Jersey Transit light-rail station and parking areas are located on site. Restoration of the historic Main Gate House turned the former gateway to the Roebling Mill into part of the Roebling Museum. The museum provides 7,000 square feet of exhibit space documenting the community's social and industrial history. EPA also collaborated with Florence Township to make sure the remedy would support an open space recreation resource on site. The expansion of Roebling Park includes 34 acres of open space, walking and biking trails, and views of the Delaware River.

Additional site uses are currently being explored and the site is featured on EPA's Redevelopment Opportunities List of sites with the greatest expected redevelopment and commercial potential. Other site areas that are not currently in use could host commercial or industrial development in the future. EPA will continue to work with stakeholders to support protective reuses and continued uses and ensure the long-term stewardship of the remedy.

ED_005584A_00008156-00030



Reuses at the Minot Landfill Superfund site in North Dakota include hay harvesting and snow staging during major storms

Acknowledgements and Looking Forward

Superfund Redevelopment would like to acknowledge the support of the people and organizations whose dedicated efforts make the reuse of Superfund sites possible. EPA's Regional Superfund Redevelopment Coordinators, EPA site cleanup teams, and regional and headquarters staff have each made vital contributions. EPA's diverse network of partners – including tribes, states, local governments, community organizations, businesses and citizens – have partnered with EPA and undertaken compelling journeys to return Superfund sites to safe and appropriate uses.

In 2019 and beyond, EPA looks forward to new opportunities to support Superfund Redevelopment as a vital part of the Agency's mission to advance excellence in public health and environmental protection.

View of the Iron King Mine – Humboldt Smelter Superfund site in Arizona

U.S. EPA SUPERFUND TASK FORCE

In May 2017, EPA established a task force to restore the Superfund program to its rightful place at the center of the Agency's core mission to protect health and the environment.

epa.gov/superfund/superfund-task-force

EPA

Superfund Redevelopment Initiative
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

https://www.epa.gov/superfund-redevelopment-initiative

SUPERFUND REDEVELOPMENT INITIATIVE 20TH ANNIVERSARY

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/31/2019 12:12:32 AM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 30, 2019

1. Notice of Lodging of Proposed Consent Decrees Under the Comprehensive Environmental Response, Compensation and Liability Act

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by the Justice Department on 07/30/2019.

On July 19, 2019, the Department of Justice lodged two proposed Consent Decrees with the United States District Court for the Southern District of New York in a lawsuit entitled *United States* v. *Hopewell Precision, Inc.,* Civil Action No. 19 Civ. 6749.

In this action, the United States seeks, as provided under the Comprehensive Environmental Response, Compensation and Liability Act, recovery of response costs from two parties in connection with the Hopewell Precision Superfund Site ("Site") in the Town of East Fishkill, New York. The proposed Consent Decrees resolve the United States' claims and require Hopewell Precision, Inc. and John B. Budd to pay, in aggregate, $1,247,700 in reimbursement of the United States' past and ongoing response costs regarding the Site.

https://www.govinfo.gov/content/pkg/FR-2019-07-30/pdf/2019-16183.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Peter Cooper Superfund Site

by the Environmental Protection Agency on 07/30/2019.

The Environmental Protection Agency (EPA) Region 2 is issuing a Notice of Intent to Delete the Peter Cooper Superfund Site (Site) located in the Village of Gowanda, Cattaraugus County, New York, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the...

https://www.govinfo.gov/content/pkg/FR-2019-07-30/pdf/2019-16063.pdf

3. Air Plan Approval; Ohio; Removal of Obsolete Infectious Waste Incinerator Regulations

by the Environmental Protection Agency on 07/30/2019.

The Environmental Protection Agency (EPA) is approving a request submitted by the Ohio Environmental Protection Agency (Ohio EPA) on January 24, 2018, to revise the Ohio State Implementation Plan (SIP) under the Clean Air Act (CAA). Ohio EPA is requesting to remove provisions under Ohio Administrative Code (OAC) Chapter 3745-75, that were...

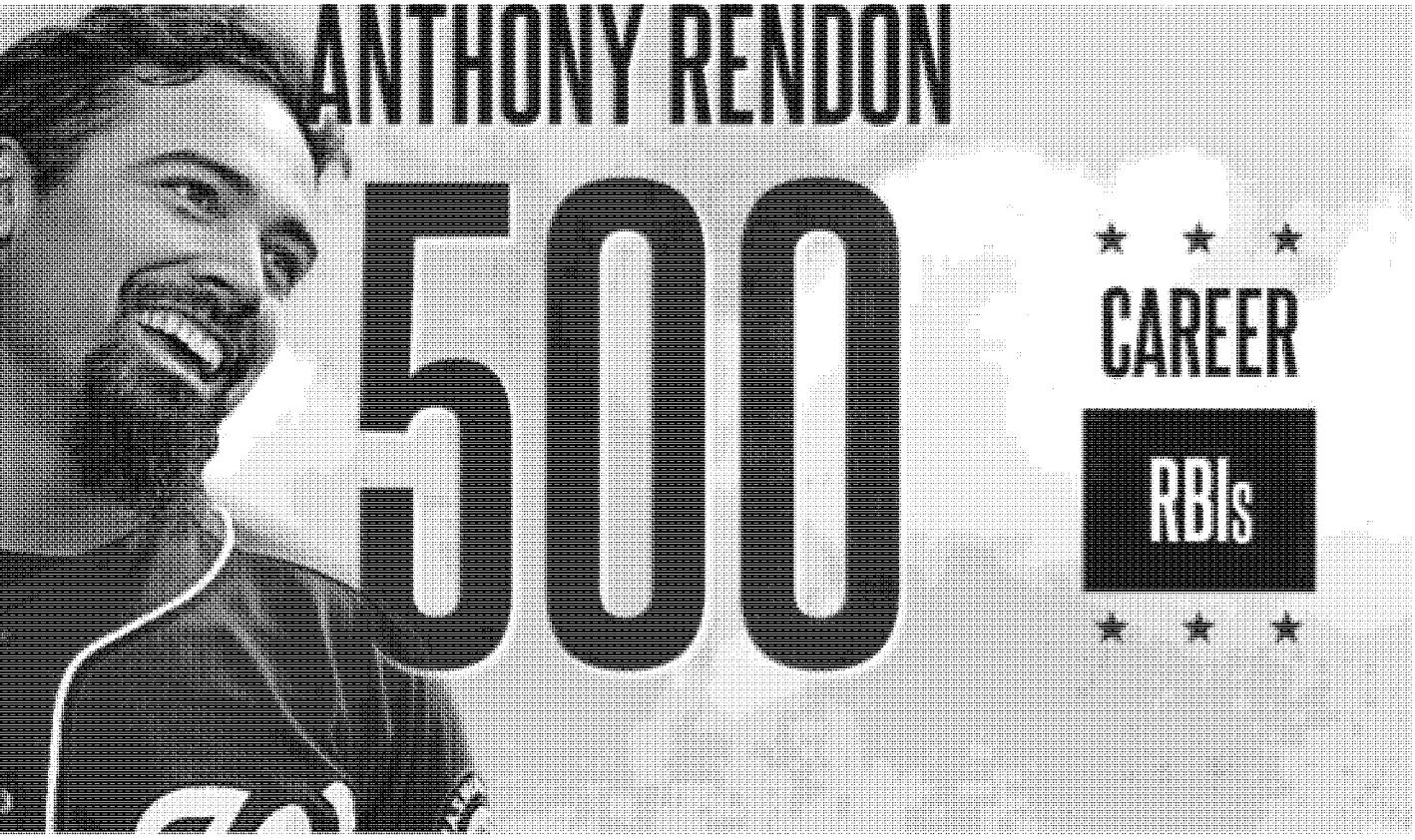
https://www.govinfo.gov/content/pkg/FR-2019-07-30/pdf/2019-16080.pdf

4. National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List: Deletion of the Peter Cooper Superfund Site

y the Environmental Protection Agency on 07/30/2019.

he Environmental Protection Agency (EPA), Region 2, is publishing a direct final notice of deletion of the Peter Cooper uperfund Site (Site) located in the Village of Gowanda, Cattaraugus County, New York from the National Priorities List (NPL). he NPL, promulgated pursuant to the Comprehensive Environmental Response, Compensation, and...

tps://www.govinfo.gov/content/pkg/FR-2019-07-30/pdf/2019-16065.p



Message

From: Hugh Kaufman [Ex. 6 Personal Privacy (PP)
Sent: 5/9/2019 2:46:5[illegible]
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov] Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: May 8, 2019

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Tennessee Products Superfund Site

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by the Environmental Protection Agency on 05/08/2019.

The Environmental Protection Agency Region 4 is issuing a Notice of Intent to Delete the Tennessee Products Superfund Site (Site) located in Chattanooga, Tennessee, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental

https://www.govinfo.gov/content/pkg/FR-2019-05-08/pdf/2019-09476.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 9/6/2019 2:41:04 AM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov] Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: September 5, 2019

1. Environmental Management Site-Specific Advisory Board, Northern New Mexico

by the Energy Department on 09/05/2019.

This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the Federal Register. https://www.govinfo.gov/content/pkg/FR-2019-09-05/pdf/2019-19122.pdf
3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Strasburg Landfill Superfund Site

by the Environmental Protection Agency on 09/05/2019.

The Environmental Protection Agency (EPA) Region 3 announces the deletion of the Strasburg Landfill Superfund Site (Site) located south and slightly east of Strasburg Road in Newlin Township, Chester County, Pennsylvania from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental...

Rhttps://www.govinfo.gov/content/pkg/FR-2019-09-05/pdf/2019-19175.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/21/2020 8:57:55 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov] Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 21, 2020

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the FMC Dublin Road Superfund Site

by the Environmental Protection Agency on 07/21/2020.

The Environmental Protection Agency (EPA) Region 2 is issuing a Notice of Intent to Delete FMC Dublin Road Superfund Site (Site) located in the Towns of Shelby and Ridgeway, Orleans County, NY, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the..

https://www.govinfo.gov/content/pkg/FR-2020-07-21/pdf/2020-15722.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Omaha Lead Superfund Site

by the Environmental Protection Agency on 07/21/2020.

The Environmental Protection Agency (EPA) Region 7 announces the deletion of 117 residential parcels of the Omaha Lead Superfund site (Site or OLS) located in Omaha, Nebraska, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)...

https://www.govinfo.gov/content/pkg/FR-2020-07-21/pdf/2020-14441.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the FMC Dublin Road Superfund Site

by the Environmental Protection Agency on 07/21/2020.

The Environmental Protection Agency (EPA) Region 2 is publishing a direct final Notice of Deletion of the FMC Dublin Road Superfund Site (Site), located in the Towns of Shelby and Ridgeway, Orleans County, NY, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response,...

https://www.govinfo.gov/content/pkg/FR-2020-07-21/pdf/2020-15723.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/23/2019 9:20:22 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov] Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 23, 2019

1. Notice of Filing of Proposed Settlement Agreement Regarding Environmental Claims in Connection With the Raritan Bay Slag Superfund Site

by the Justice Department on 07/23/2019.

https://www.govinfo.gov/content/pkg/FR-2019-07-23/pdf/2019-15610.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Intermountain Waste Oil Refinery Superfund Site

by the Environmental Protection Agency on 07/23/2019.

The Environmental Protection Agency (EPA) Region 8 is issuing a Notice of Intent to Delete Intermountain Waste Oil Refinery Superfund Site (Site) located in Bountiful City, Davis County, Utah, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the...

https://www.govinfo.gov/content/pkg/FR-2019-07-23/pdf/2019-15662.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Mystery Bridge Rd./U.S. Highway 20 Superfund Site

by the Environmental Protection Agency on 07/23/2019.

The Environmental Protection Agency (EPA) Region 8 is issuing a Notice of Intent to Delete the Mystery Bridge Rd./U.S. Highway 20 Superfund Site (Site) located in Evansville, WY, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to the Comprehensive Environmental Response,...

https://www.govinfo.gov/content/pkg/FR-2019-07-23/pdf/2019-15658.pdf

4. National Priorities List: Partial Deletion of the New Brighton/Arden Hills/Twin Cities Army Ammunition Plant (TCAAP) Superfund Site

by the Environmental Protection Agency on 07/23/2019.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete all soil and five aquatic sites in Operable Unit 2 (OU2) of the New Brighton/Arden Hills/TCAAP Superfund Site in Minnesota from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to...

https://www.govinfo.gov/content/pkg/FR-2019-07-23/pdf/2019-15632.pdf

Protection of Human Research Subjects

the Environmental Protection Agency on 07/23/2019.

n January 19, 2017, the Environmental Protection Agency (EPA), acting in concert with other agencies, promulgated revisions t
e ``Common Rule." EPA's codification of these revisions is in 40 CFR part 26, subpart A. These revisions went into effect on
ly 19, 2018, and compliance with the new provisions was required beginning on January 21,...

tps://www.govinfo.gov/content/pkg/FR-2019-07-23/pdf/2019-15665.pdf

ational Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the New
hton/Arden Hills/Twin Cities Army Ammunition Plant (TCAAP) Superfund Site

ne Environmental Protection Agency on 07/23/2019.

Environmental Protection Agency (EPA) Region 5 is publishing a direct final Notice of Partial Deletion of all soil and five aqu
in Operable Unit 2 (OU2) of the New Brighton/Arden Hills/TCAAP Superfund Site in Minnesota from the National Priorities
L). The NPL, promulgated pursuant to Section 105 of the Comprehensive...

s://www.govinfo.gov/content/pkg/FR-2019-07-23/pdf/2019-15633.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 8/22/2018 2:19:36 AM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: August 21, 2018

1. Environmental Management Advisory Board Meeting

by the Energy Department on 08/21/2018.

This notice announces a meeting of the Environmental Management Advisory Board (EMAB). The Federal Advisory Committee Act requires that public notice of this meeting be announced in the Federal Register

https://www.gpo.gov/fdsys/pkg/FR-2018-08-21/pdf/2018-17994.pdf

2. Environmental Management Site-Specific Advisory Board Chairs

by the Energy Department on 08/21/2018.

This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB) Chairs. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the Federal Register.

https://www.gpo.gov/fdsys/pkg/FR-2018-08-21/pdf/2018-17995.pdf

3. Settlement Agreement and Order on Consent: Eagle Mine Superfund Site, Minturn, Eagle County, Colorado

by the Environmental Protection Agency on 08/21/2018.

In accordance with the requirements of section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (``CERCLA"), notice is hereby given of the proposed settlement under section 122(h)(1) of CERCLA, between the U.S. Environmental Protection Agency (``EPA"), the Colorado Department of Public Health...

https://www.gpo.gov/fdsys/pkg/FR-2018-08-21/pdf/2018-18033.pdf

4. Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Emission Guidelines for Sewage Sludge Incinerators (Renewal)

by the Environmental Protection Agency on 08/21/2018.
The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Emission Guidelines for Sewage Sludge Incinerators (EPA ICR No. 2403.04, OMB Control No. 2060-0661), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of...

https://www.gpo.gov/fdsys/pkg/FR-2018-08-21/pdf/2018-17871.pdf

5. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Ordnance Works Disposal Areas Superfund Site

y the Environmental Protection Agency on 08/21/2018.

he Environmental Protection Agency (EPA) Region 3 announces the deletion of the Ordnance Works Disposal Areas Superfund te (Site) located in Morgantown, West Virginia, from the National Priorities List (NPL). The NPL, promulgated pursuant to ction 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of...

tps://www.gpo.gov/fdsys/pkg/FR-2018-08-21/pdf/2018-18032.pdf

Sent from my iPad

Message

From: Hugh Kaufman [Ex. 6 Personal Privacy (PP) t]
Sent: 8/1/2018 6:23:39 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 31, 2018

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the South Valley Superfund Site

- by the Environmental Protection Agency on 07/31/2018.

The Environmental Protection Agency (EPA) Region 6 is issuing a Notice of Intent to Delete Operable Units 1, 2, and 5 of the South Valley Superfund Site (Site) located in Albuquerque, New Mexico, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the..

https://www.gpo.gov/fdsys/pkg/FR-2018-07-31/pdf/2018-16257.pdf

- 2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Reasor Chemical Company Superfund Site

  - by the Environmental Protection Agency on 07/31/2018.

The Environmental Protection Agency (EPA) Region 4 is issuing a Notice of Intent to Delete the Reasor Chemical Company Superfund Site (site) located in Castle Hayne, New Hanover County, North Carolina, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-31/pdf/2018-16244.pdf

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Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/17/2018 9:05:44 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 17, 2018

- 1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Whitehouse Oil Pits Superfund Site

  by the Environmental Protection Agency on 07/17/2018.

  The Environmental Protection Agency (EPA) Region 4 is issuing a Notice of Intent to Delete the Whitehouse Oil Pits Superfund Site (Site) located in Whitehouse, Florida, from the National Priorities List (NPL) and requests public comments on this proposed action. This site is also known as the Whitehouse Waste Oil Pits Site. The NPL, promulgated...

  https://www.gpo.gov/fdsys/pkg/FR-2018-07-17/pdf/2018-15242.pdf

- 2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Naval Industrial Reserve Ordnance Plant Superfund Site

  by the Environmental Protection Agency on 07/17/2018.

  The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete Operable Unit 3 (OU3) of the Naval Industrial Reserve Ordnance Plant (NIROP) Superfund Site (Site), located in Fridley, Minnesota, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant...

  https://www.gpo.gov/fdsys/pkg/FR-2018-07-17/pdf/2018-15241.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Dorney Road Landfill Superfund Site

by the Environmental Protection Agency on 07/17/2018.

The Environmental Protection Agency (EPA) Region III is issuing a Notice of Intent to Delete the Dorney Road Landfill Superfund Site (Site) located in Longswamp and Upper Macungie Townships, in Berks and Lehigh Counties, Pennsylvania from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL,...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-17/pdf/2018-15245.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Davis Timber Company Superfund Site

by the Environmental Protection Agency on 07/17/2018.

The Environmental Protection Agency (EPA) Region 4 is issuing a Notice of Intent to Delete the Davis Timber Company Superfund Site (Site) located in Hattiesburg, Lamar County, Mississippi, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-17/pdf/2018-15243.pdf

5. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Recticon/Allied Steel Superfund Site

by the Environmental Protection Agency on 07/17/2018.

The Environmental Protection Agency (EPA) Region III is issuing a Notice of Intent to Delete the Recticon/Allied Steel Superfund Site (Site) located in East Coventry Township, Chester County, Pennsylvania, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-17/pdf/2018-15244.pdf

6. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Naval Industrial Reserve Ordnance Plant Superfund Site

by the Environmental Protection Agency on 07/17/2018.

The Environmental Protection Agency (EPA) Region 5 is publishing a direct final Notice of Deletion of Operable Unit 3 (OU3) of the Naval Industrial Reserve Ordnance Plant (NIROP) Superfund Site (Site), located in Fridley, Minnesota, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-17/pdf/2018-15240.pdf

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Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/4/2019 6:35:06 AM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 3, 2019

1. Environmental Management Site-Specific Advisory Board, Northern New Mexico

by the Energy Department on 07/03/2019.

This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this meeting be announce d in the Federal Register.

https://www.govinfo.gov/content/pkg/FR-2019-07-03/pdf/2019-14210.pdf

2. Information Collection: NRC Forms 540 and 540A, Uniform Low-Level Radioactive Waste Manifest (Shipping Paper) and Continuation Page

by the Nuclear Regulatory Commission on 07/03/2019.

The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ``NRC Forms 540 and 540A, Uniform Low-Level Radioactive Waste Manifest (Shipping Paper) and Continuation Page."

https://www.govinfo.gov/content/pkg/FR-2019-07-03/pdf/2019-14169.pdf

3. Information Collection: NRC Forms 541 and 541A, Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description) and Continuation Page

by the Nuclear Regulatory Commission on 07/03/2019.

The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ``NRC Forms 541 and 541A, Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description) and Continuation Page.'

https://www.govinfo.gov/content/pkg/FR-2019-07-03/pdf/2019-14168.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Strasburg Landfill Superfund Site

by the Environmental Protection Agency on 07/03/2019.

The Environmental Protection Agency (EPA) Region 3 is issuing a Notice of Intent to Delete the Strasburg Landfill Superfund Site (Site) located in Newlin and West Bradford Townships, Chester County, Pennsylvania from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section...

https://www.govinfo.gov/content/pkg/FR-2019-07-03/pdf/2019-14251.pdf

Sent from my iPad

Message

From: Hugh Kaufman [Ex. 6 Personal Privacy (PP)
Sent: 8/17/2019 8:51:31 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: August 16, 2019

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Tennessee Products Superfund Site

by the Environmental Protection Agency on 08/16/2019.

The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Tennessee Products Superfund Site (Site) located in Chattanooga, Tennessee, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as...

https://www.govinfo.gov/content/pkg/FR-2019-08-16/pdf/2019-17671.pdf

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Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 9/23/2019 2:52:01 AM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov] Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: September 16, 2019

1. Georgia: Proposed Approval and Incorporation by Reference of State Underground Storage Tank Program Revisions

by the Environmental Protection Agency on 09/16/2019.

Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is proposing, subject to public comment, to approve revisions to the underground storage tank (UST) program submitted by the State of Georgia (Georgia or State). The EPA has reviewed Georgia's revisions and is proposing to determine...

https://www.govinfo.gov/content/pkg/FR-2019-09-16/pdf/2019-19936.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the MGM Brakes Superfund Site

by the Environmental Protection Agency on 09/16/2019.

The Environmental Protection Agency (EPA) Region 9 announces the deletion of the MGM Brakes Superfund Site (Site) located in Cloverdale, Sonoma County, California, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as...

https://www.govinfo.gov/content/pkg/FR-2019-09-16/pdf/2019-19672.pdf

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Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 9/23/2019 1:37:10 AM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: September 20, 2019

1. Notice of Lodging of Proposed Consent Decree Under the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act

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by the Justice Department on 09/20/2019.

On September 12, 2019, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States* v. *Chemical Solvents, Inc.,* Civil Action No. 19-cv-02096.

The United States filed this lawsuit under the Clean Air Act, Clean Water Act, and the Resource Conservation and Recovery Act. The United States' complaint seeks injunctive relief and civil penalties for violations of the regulations and permits that govern air emissions and water discharges from the defendant's facility in Cleveland, Ohio. The consent decree requires the defendant to perform injunctive relief and pay a $400,000 civil penalty.

https://www.govinfo.gov/content/pkg/FR-2019-09-20/pdf/2019-20338.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Vasquez Boulevard and I-70 Superfund Site

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by the Environmental Protection Agency on 09/20/2019.

The Environmental Protection Agency (EPA) Region 8 announces the deletion of the operable unit 1 (OU1) of the Vasquez Boulevard and I-70 Superfund Site (Site) located in the City and County of Denver, CO, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response,..

https://www.govinfo.gov/content/pkg/FR-2019-09-20/pdf/2019-19994.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Intermountain Waste Oil Refinery Superfund Site

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by the Environmental Protection Agency on 09/20/2019.

The Environmental Protection Agency (EPA) Region 8 announces the deletion of the Intermountain Waste Oil Refinery Superfund Site (Site) located in Bountiful, Salt Lake County, Utah, from the National Priorities List (NPL).

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act...

https://www.govinfo.gov/content/pkg/FR-2019-09-20/pdf/2019-19998.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Mystery Bridge Rd./U.S. Highway 20 Superfund Site

by the Environmental Protection Agency on 09/20/2019.

The Environmental Protection Agency (EPA) Region 8 announces the deletion of the Mystery Bridge Rd./U.S. Highway 20 Superfund Site (Site) located in Evansville, WY, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980,...

https://www.govinfo.gov/content/pkg/FR-2019-09-20/pdf/2019-19993.pdf

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Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 7/27/2018 3:10:51 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 27, 2018

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Old Esco Manufacturing Superfund Site

by the Environmental Protection Agency on 07/27/2018.

The Environmental Protection Agency (EPA) Region 6 is issuing a Notice of Intent to Delete the Old Esco Manufacturing Superfund Site (Site) located in Greenville, Texas, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-27/pdf/2018-16121.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Peters Cartridge Factory Superfund Site

by the Environmental Protection Agency on 07/27/2018.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent for Partial Deletion of the Former Process Area (FPA) of the Peters Cartridge Factory Superfund Site (Peters Cartridge Site) located in Kings Mills, Ohio from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL

https://www.gpo.gov/fdsys/pkg/FR-2018-07-27/pdf/2018-16122.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Old Esco Manufacturing Superfund Site

by the Environmental Protection Agency on 07/27/2018.

The Environmental Protection Agency (EPA) Region 6 is publishing a direct final Notice of Deletion of the Old Esco Manufacturing, Superfund Site (Site), located in Greenville, Texas, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-27/pdf/2018-16119.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Peters Cartridge Factory Superfund Site

by the Environmental Protection Agency on 07/27/2018.

The Environmental Protection Agency (EPA) Region 5 is publishing a direct final Notice of Partial Deletion of the Former Process Area (FPA) portion of the Peters Cartridge Factory Superfund Site in Kings Mills, Ohio from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response,...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-27/pdf/2018-16123.pdf

5. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Davenport and Flagstaff Smelters Superfund Site

y the Environmental Protection Agency on 07/27/2018.

he Environmental Protection Agency (EPA) Region 8 announces the deletion of the Davenport and Flagstaff Smelters Superfun te (Site) located in Sandy City, Salt Lake County, Utah, from the National Priorities List (NPL). The NPL, promulgated pursua section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act...

tps://www.gpo.gov/fdsys/pkg/FR-2018-07-27/pdf/2018-16118.pdf

ent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 9/22/2018 3:50:34 AM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; h Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: September 21, 2018

1. Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

by the Justice Department on 09/21/2018.

On September 17, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Central District of Illinois in the lawsuit entitled *United States* v. *City of Springfield, Illinois,* Civil Action No. 3:17-cv-03168.

In August 2017, the United States filed suit against the City of Springfield, Illinois (the "City') under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for the recovery of response costs incurred at the Springfield Iron Company Site (the "Site") in Springfield, Illinois. The Consent Decree resolves the City's liability for past response costs at the Site for a total of $684,000, which will be paid in four installments over the course of three years.

https://www.gpo.gov/fdsys/pkg/FR-2018-09-21/pdf/2018-20561.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Union Chemical Co., Inc. Superfund Site

by the Environmental Protection Agency on 09/21/2018.

The Environmental Protection Agency (EPA) Region 1 announces the deletion of the Union Chemical Co., Inc. Superfund Site (Site) located in South Hope, Maine, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as...

https://www.gpo.gov/fdsys/pkg/FR-2018-09-21/pdf/2018-20532.pdf

Sent from my iPad

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 2/9/2018 3:42:16 AM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: February 6, 2018

- 1. Proposed CERCLA Cost Recovery Settlement for the Frankfort Asbestos Superfund Site, Village of Frankfort, Herkimer County, New York

by the Environmental Protection Agency on 02/06/2018.

In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (``CERCLA"), notice is hereby given by the U.S. Environmental Protection Agency (``EPA"), Region 2, of a proposed cost recovery settlement agreement pursuant to CERCLA, with City Recycling, Inc. (``Settling Party") for the...

https://www.gpo.gov/fdsys/pkg/FR-2018-02-06/pdf/2018-02330.pdf

2. Proposed CERCLA Administrative Cost Recovery Settlement; Post Road Drum Site, Anchorage, Alaska

by the Environmental Protection Agency on 02/06/2018.

In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of response costs incurred for the Post Road Drum Site located at 200 N. Post Road, in Anchorage, Alaska.

https://www.gpo.gov/fdsys/pkg/FR-2018-02-06/pdf/2018-02332.pdf

3. Approval of State Plans for Designated Facilities and Pollutants; Missouri; Hospital, Medical, and Infectious Waste Incineration (HMIWI) Units

by the Environmental Protection Agency on 02/06/2018.

The Environmental Protection Agency (EPA) is proposing to approve revisions to the Missouri state plan for designated facilities and pollutants developed under sections 111(d) and 129 of the Clean Air Act (CAA) that were requested by Missouri Department of Natural Resources (MDNR) in two separate submissions made on August 8, 2011 and on July 3

https://www.gpo.gov/fdsys/pkg/FR-2018-02-06/pdf/2018-02339.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Vancouver Water Station #4 Superfund Site

by the Environmental Protection Agency on 02/06/2018.

The Environmental Protection Agency (EPA) Region 10 announces the deletion of the Vancouver Water Station #4 Superfund Site (Site) located in Vancouver, Washington, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980,...

https://www.gpo.gov/fdsys/pkg/FR-2018-02-06/pdf/2018-02351.pdf

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Vancouver Wate ation #1 Superfund Site

the Environmental Protection Agency on 02/06/2018.

he Environmental Protection Agency (EPA) Region 10 announces the deletion of the Vancouver Water Station #1 Superfund te (Site) located in Vancouver, Washington, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 05 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980,

tps://www.gpo.gov/fdsys/pkg/FR-2018-02-06/pdf/2018-02353.pdf

Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 6/4/2018 5:24:44 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP) t
Subject: FEDERAL REGISTER: June 4, 2018

- 1. Notice of Availability of Draft Waste Incidental to Reprocessing Evaluation for Closure of Waste Management Area C at the Hanford Site, Washington

by the Energy Department on 06/04/2018.

The U.S. Department of Energy (DOE) announces the availability of the Draft Waste Incidental to Reprocessing Evaluation for Closure of Waste Management Area C at the Hanford Site, Washington (Draft WIR Evaluation). The Draft WIR Evaluation demonstrates that the tanks and ancillary structures, from which waste has been or will be removed, and...

https://www.gpo.gov/fdsys/pkg/FR-2018-06-04/pdf/2018-11736.pdf

2. Florida; Approval of Plan for Control of Emissions From Commercial and Industrial Solid Waste Incineration Units

by the Environmental Protection Agency on 06/04/2018.

The Environmental Protection Agency (EPA) is proposing to approve a state plan submitted by the State of Florida, through the Florida Department of Environmental Protection on May 31, 2017, and supplemented on December 19, 2017, and February 2, 2018, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Commercial...

https://www.gpo.gov/fdsys/pkg/FR-2018-06-04/pdf/2018-11929.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Davenport and Flagstaff Smelters Superfund Site

by the Environmental Protection Agency on 06/04/2018.

The Environmental Protection Agency (EPA) Region 8 is issuing a Notice of Intent to Delete Davenport and Flagstaff Smelters Superfund Site (Site) located in Sandy City, Salt Lake County, Utah, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the...

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Message

From: Hugh Kaufman [Ex. 6 Personal Privacy (PP)]
Sent: 7/23/2018 7:51:36 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: July 20, 2018

1. National Environmental Justice Advisory Council; Notification of Public Meeting, Public Teleconference and Public Comment

by the Environmental Protection Agency on 07/20/2018.

Pursuant to the Federal Advisory Committee Act (FACA), Public Law 92-463, the U.S. Environmental Protection Agency (EPA) hereby provides notice that the National Environmental Justice Advisory Council (NEJAC) will meet on the dates and times described below. All meetings are open to the public. Members of the public are encouraged to provide..

https://www.gpo.gov/fdsys/pkg/FR-2018-07-20/pdf/2018-15621.pdf

2. Proposed Administrative Settlement Agreement and Order on Consent, Black Swan Restoration Reach Good Samaritan Superfund Site, Boulder County, Colorado

by the Environmental Protection Agency on 07/20/2018.

In accordance with the requirements of section 122 of the Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended (``CERCLA"), notice is hereby given of the proposed administrative settlement under sections 104, 106, 107, and 122 of CERCLA, between the U.S. Environmental Protection Agency (``EPA") and the...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-20/pdf/2018-15602.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Union Chemical Co., Inc. Superfund Site

by the Environmental Protection Agency on 07/20/2018.

The Environmental Protection Agency (EPA) Region 1 is issuing a Notice of Intent to Delete the Union Chemical Co., Inc. Superfund Site (Site) located in South Hope, Maine, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-20/pdf/2018-15622.pdf

4. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Old Southington Landfill Superfund Site

by the Environmental Protection Agency on 07/20/2018.

The U.S. Environmental Protection Agency (EPA) Region 1 is issuing a Notice of Intent to Delete the Old Southington Landfill Superfund Site (Site) located at Old Turnpike Road, Southington, Connecticut (CT), from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL was promulgated pursuant to Section...

https://www.gpo.gov/fdsys/pkg/FR-2018-07-20/pdf/2018-15628.pdf

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Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 9/12/2018 2:20:13 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: September 12, 2018

1. Hazardous Waste Management System; Proposed Exclusion for Identifying and Listing Hazardous Waste

by the Environmental Protection Agency on 09/12/2018.

The Environmental Protection Agency (also, ``the Agency'' or ``we'' in this preamble) is proposing to grant a petition submitted by Sandvik Special Metals (Sandvik), in Kennewick, Washington to exclude (or ``delist'') up to 1,500 cubic yards of F006 wastewater treatment sludge per year from the list of federal hazardous wastes. The Agency is...

https://www.gpo.gov/fdsys/pkg/FR-2018-09-12/pdf/2018-19595.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Old Southington Landfill Superfund Site

by the Environmental Protection Agency on 09/12/2018.

The Environmental Protection Agency (EPA) Region 1 announces the deletion of the Old Southington Landfill Superfund Site (Site) located in Southington, Connecticut, from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980,..

https://www.gpo.gov/fdsys/pkg/FR-2018-09-12/pdf/2018-19874.pdf

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Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 6/20/2018 5:31:58 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: June 20, 2018

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Ordnance Works Disposal Areas Superfund Site

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by the Environmental Protection Agency on 06/20/2018.

The Environmental Protection Agency (EPA), Region 3, is issuing a Notice of Intent to Delete the Ordnance Works Disposal Areas Superfund Site (Site) located in Morgantown, West Virginia, from the National Priorities List (NPL) and requests public comments on this proposed action. For purposes of this action, the Site consists of Operable Unit 1...

https://www.gpo.gov/fdsys/pkg/FR-2018-06-20/pdf/2018-12709.pdf

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Message

From: Hugh Kaufman Ex. 6 Personal Privacy (PP)
Sent: 5/21/2018 5:52:42 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hugh [kaufman.hugh@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: FEDERAL REGISTER: May 21, 2018

1. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fulton Terminals Superfund Site

by the Environmental Protection Agency on 05/21/2018.

The Fulton Terminals site (Site), located in the City of Fulton, Oswego County, New York, originally consisted of an approximately 1.5-acre ``On-Property'' area, bounded on the west by First Street, on the south by Shaw Street, on the east by New York State Route 481, and on the north by a warehouse, and an ``Off- Property'' area, defined by the...

https://www.gpo.gov/fdsys/pkg/FR-2018-05-21/pdf/2018-10800.pdf

2. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Frontier Hard Chrome, Inc. Superfund Site

by the Environmental Protection Agency on 05/21/2018.

The Environmental Protection Agency (EPA) Region 10 is issuing a Notice of Intent to Delete Frontier Hard Chrome, Inc. (FHC) Superfund Site (Site) located in Vancouver, Washington, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section 105 of the Comprehensive...

https://www.gpo.gov/fdsys/pkg/FR-2018-05-21/pdf/2018-10796.pdf

3. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fulton Terminals Superfund Site

by the Environmental Protection Agency on 05/21/2018.

The Fulton Terminals Superfund site (Site), located in the City of Fulton, Oswego County, New York, originally consisted of an ``On-Property'' area and an ``Off-Property'' area. The On-Property area was deleted from the National Priorities List (NPL) in 2015. The Off- Property area remained on the NPL because residual groundwater contamination...

https://www.gpo.gov/fdsys/pkg/FR-2018-05-21/pdf/2018-10798.pdf

Sent from my iPad

Message

From: Hugh Kaufman [Ex. 6 Personal Privacy (PP)
Sent: 9/25/2017 7:55:00 PM
To: Breen, Barry [Breen.Barry@epa.gov]
CC: Hilosky, Nick [Hilosky.Nick@epa.gov]; Kaufman, Hu Ex. 6 Personal Privacy (PP) [hughbkaufman@comcast.net]
Subject: FEDERAL REGISTER: September 25, 2017

1. Notice of Administrative Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

by the Environmental Protection Agency on 09/25/2017.

In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (``CERCLA"), notice is hereby given that a proposed administrative settlement agreement for recovery of response costs (``Proposed Agreement") associated with the New Jersey Fireworks Superfund Site, Elkton, Cecil County, Maryland was executed by the...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20313.pdf

2. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grant Funding Guidance for State and Tribal Response Programs for FY2018

by the Environmental Protection Agency on 09/25/2017.

The Environmental Protection Agency (EPA) will accept requests, from October 15, 2017 through December 15, 2017, for grants to establish and enhance State and Tribal Response Programs. This notice provides guidance on eligibility for funding, use of funding, grant mechanisms and process for awarding funding, the allocation system for...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20436.pdf

3. Advisory Board on Toxic Substances and Worker Health

by the Workers Compensation Programs Office on 09/25/2017.

The Secretary of Labor (Secretary) invites interested parties to submit nominations for individuals to serve on the Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20335.pdf

4. Hazardous Materials: Emergency Waiver No. 1

by the Pipeline and Hazardous Materials Safety Administration on 09/25/2017.

The Pipeline and Hazardous Materials Safety Administration is issuing an emergency waiver order to persons conducting operations under the direction of Environmental Protection Agency Region 6 within the Hurricane and Tropical Storm Harvey disaster and emergency areas of Texas and Louisiana. This Waiver Order is effective September 1, 2017, and...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20357.pdf

5. Hazardous Materials: Emergency Waiver No. 3

by the Pipeline and Hazardous Materials Safety Administration on 09/25/2017.

The Pipeline and Hazardous Materials Safety Administration is issuing an emergency waiver order to persons conducting operations under the direction of Environmental Protection Agency Region 4 or United States Coast Guard 7th District within the Hurricane Irma emergency area of Georgia. This Waiver Order is effective September 10, 2017, and...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20355.pdf

6. Hazardous Materials: Emergency Waiver No. 2

by the Pipeline and Hazardous Materials Safety Administration on 09/25/2017.

The Pipeline and Hazardous Materials Safety Administration is issuing an emergency waiver order to persons conducting operations under the direction of Environmental Protection Agency Regions 2 or 4 or United States Coast Guard 7th District within the Hurricane Irma emergency and disaster areas of Florida, Puerto Rico, South Carolina, and the...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20356.pdf

7. Washington: Proposed Authorization of State Hazardous Waste Management Program Revisions

by the Environmental Protection Agency on 09/25/2017.

The Environmental Protection Agency (EPA) is reopening the comment period for a proposed rulemaking to authorize a revision to the State of Washington's federally authorized hazardous waste management program pursuant to the Resource Conservation and Recovery Act (RCRA), as amended. The EPA has reviewed Washington's application, and we have...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20314.pdf

8. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Vancouver Water Station #4 Superfund Site

by the Environmental Protection Agency on 09/25/2017.

The Environmental Protection Agency (EPA) Region 10 is issuing a Notice of Intent to Delete the Vancouver Water Station #4 Contamination Superfund Site (Site) located in Vancouver, Washington, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20448.pdf

9. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Nutting Truck & Caster Co. Superfund Site

by the Environmental Protection Agency on 09/25/2017.

The Environmental Protection Agency (EPA) Region 5 is issuing a Notice of Intent to Delete the Nutting Truck & Caster Co. Superfund Site (Site) located in Faribault, Minnesota, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section 105 of the Comprehensive...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20346.pdf

10. National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Vancouver Water Station #1 Superfund Site

by the Environmental Protection Agency on 09/25/2017.

The Environmental Protection Agency (EPA) Region 10 is issuing a Notice of Intent to Delete the Vancouver Water Station #1 Contamination Superfund Site (Site) located in

Vancouver, Washington, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20449.pdf

11. Approval and Promulgation of Plans for Designated Facilities; New Jersey; Delegation of Authority

by the Environmental Protection Agency on 09/25/2017.

The Environmental Protection Agency (EPA) is approving a request from the New Jersey Department of Environmental Protection (NJDEP) for delegation of authority to implement and enforce the Federal plan for Sewage Sludge Incineration (SSI) units. On April 29, 2016, the EPA promulgated the Federal plan for SSI units to fulfill the requirements of...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20440.pdf

12. National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List: Deletion of the Nutting Truck & Caster Co. Superfund Site

by the Environmental Protection Agency on 09/25/2017.

The Environmental Protection Agency (EPA) Region 5 is publishing a direct final Notice of Deletion of the Nutting Truck & Caster Co. Superfund Site (Site), located in Faribault, Rice County, Minnesota from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation,...

https://www.gpo.gov/fdsys/pkg/FR-2017-09-25/pdf/2017-20348.pdf

Message

From: Gee, Randy [Gee.Randy@epa.gov]
Sent: 6/15/2020 6:51:54 PM
To: Chad-harsha@cherokee.org
CC: Wayne-Isaacs@cherokee.org; McQueen, Ken [McQueen.Ken@epa.gov]; Gray, David [gray.david@epa.gov]; Tatum, Stephen [Tatum.Stephen@epa.gov]; Stenger, Wren [stenger.wren@epa.gov]; Blanco, Arturo [Blanco.Arturo@epa.gov]
Subject: EPA Region 6 TFM Tribal Consultation Follow-up Summary Letter to Cherokee Nation
Attachments: Letter to Secretary Harsha - Tulsa Fuel Consultation - Final.pdf

Good afternoon Secretary Harsha,

Please see the attached follow-up summary letter regarding the Cherokee Nation & EPA Region 6 Tulsa Fuel and Manufacturing tribal consultation. If you have questions please contact me.

Sincerely,

Randy Gee
EPA Region 6 Office of Communities, Tribes and Environmental Assessment
Office Phone: 214-665-8355

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

June 15, 2020

Chad Harsha
Secretary of Natural Resources
Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465

Re: Consultation on Tulsa Fuel and Manufacturing Superfund Site Deletion

Dear Secretary Harsha:

Thank you for participating in our June 3, 2020 consultation conference call regarding deletion of the Tulsa Fuel and Manufacturing (TFM) site from the National Priorities List (NPL). I share in your recognition of the many years of coordination and collaboration between the Cherokee Nation and the Environmental Protection Agency (EPA) in cleaning up and restoring this site to beneficial use. My staff and I look forward to this continued coordination and collaboration. Noted below is a summary of the four main issues we discussed, and which were included in your May 21, 2020 letter, requesting formal consultation on these issues.

1. Future plans for waste identification from the Collinsville and Tulsa Fuels and Manufacturing Sites located off the TFM site: While cleanup efforts were under way at the TFM site, additional waste of unknown origin was identified along the Collinsville railroad. A site inspection of approximately eight miles of the railroad, running though Collinsville, began in 2017. EPA and the Oklahoma Department of Environmental Quality commit to following up on assessment and clean-up of the Collinsville railroad and will keep the Cherokee Nation apprised of such efforts.

2. Potential impacts to legal claims resulting from delisting of the site: EPA encourages the Cherokee Nation to seek the advice of its own legal counsel. You confirmed that you are satisfied with your own analysis of legal claims. EPA also confirms that the TFM deletion will have no impact on Natural Resource Damage claims.

3. Criteria for determining tribal participation in the Tribal Consultation Process for Superfund sites: Region 6 developed Consultation and Coordination Procedures in May 2015, to provide specific guidelines for the tribal consultation process. The identification phase in the document entails a determination of the complexity of the EPA activity, its potential implications for Tribes, and time and/or resource constraints relevant to the consultation process. The Superfund program also considers recent national guidance *Clarification of Superfund Actions or Decisions in the Remedial Process that May Require Tribal Consultation (March 31, 2020)* to inform identification activities, including the deletion process. EPA acknowledges your request for earlier and more frequent tribal consultation and commits to identifying opportunities for earlier and more frequent consultation.

4. Elements of the Superfund delisting process that provides input from the general public residing in communities located near sites: Prior to deleting the TFM site, EPA will publish a Notice of Intent to Delete in the Federal Register and local newspaper, providing a contact for the public to submit comments via mail or email and allowing a 30-day comment period. A responsiveness summary of all comments received and detailed responses, approved by the Regional Administrator, will be included in the Regional docket and local site repository. This responsiveness summary will also be provided in the final Notice of Deletion, published by EPA Headquarters. Based on your request to better inform approximately 3000 Cherokee Nation members living within four miles of the TFM site, EPA will pursue additional communication mechanisms, including publication in the Cherokee Phoenix, regarding this site deletion. EPA appreciates the additional communication strategies.

Thank you again for participating in our TFM site deletion consultation discussion. Such discussions contribute greatly to strengthening our partnership. This letter closes the consultation on EPA's plan to delete the Tulsa Fuel and Manufacturing site from the NPL. If I can be of further assistance to you, please let me know.

Sincerely,

Ken McQueen
Regional Administrator

Appointment

From: Gee, Randy [Gee.Randy@epa.gov]
Sent: 6/2/2020 3:37:54 PM
To: McQueen, Ken [McQueen.Ken@epa.gov]; Gray, David [gray.david@epa.gov]; Tatum, Stephen [Tatum.Stephen@epa.gov]; Tanimura, Erin [Tanimura.Erin@epa.gov]; Chad-harsha@cherokee.org; Wayne-Isaacs@cherokee.org; Stenger, Wren [stenger.wren@epa.gov]; Price, Lisa [Price.Lisa@epa.gov]; Meyer, John [Meyer.John@epa.gov]; Atkins, Blake [Atkins.Blake@epa.gov]; Chiang, I-Jung [chiang.i-jung@epa.gov]; Blanco, Arturo [Blanco.Arturo@epa.gov]; Acosta, Gerardo [Acosta.Gerardo@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]
CC: Davis, Suea [davis.suea@epa.gov]; Turk, James [turk.james@epa.gov]; Pletan, Elizabeth [Pletan.Elizabeth@epa.gov]

Subject: EPA Region 6 Consultation with Cherokee Nation on Tulsa Fuel NPL Site Deletion
Attachments: EPA Tribal Consultation Invitation Letter to Cherokee Nation on Tulsa Fuel.pdf; CN Consult Ltr 05.21.20.pdf; Tulsa Fuels Final Close Out Report SIGNED April 2 2020.pdf; Clarification on Tribal Consultations on Remedial Actions-signed (003).pdf; r6epatribalconsultationprocedures_may2015.pdf; 6-3-2020 Tulsa Fuel Meeting Agenda.pdf
Location: Conference Call

Start: 6/3/2020 7:30:00 PM
End: 6/3/2020 8:15:00 PM
Show Time As: Tentative

Required Attendees: McQueen, Ken; Gray, David; Tatum, Stephen; Tanimura, Erin; Chad-harsha@cherokee.org; Wayne-Isaacs@cherokee.org; Stenger, Wren; Price, Lisa; Meyer, John; Blake Atkins; Chiang, I-Jung; Blanco, Arturo; Acosta, Gerardo; Alvarado, Tina
Optional Attendees: Davis, Suea; Turk, James; Pletan, Elizabeth

Agenda and call attendees list added

Phone Number 210-469-3886
Code 953 668 452

The EPA Region 6 consultation with Cherokee Nation on the NPL deletion of the Tulsa Fuel and Manufacturing Superfund Site will be held on Wednesday, June 3 at 2:30 CDT. The consultation will be held via conference call and above are the phone number and code for the conference line. Attached is background material for the consultation. An agenda and list of call attendees will be added to this calendar invitation.

If you have questions you may call me at 214-665-8355 or by email at gee.randy@epa.gov

Thank you,

Randy Gee
EPA Region 6 Office of Communities, Tribes and Environmental Assessment
Office Phone: 214-665-8355

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

May 7, 2020

The Honorable Chuck Hoskin, Jr.
Principal Chief
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465
chuck-hoskin@cherokee.org

Re: Invitation to Consult on the Tulsa Fuel and Manufacturing Superfund Site Deletion

Dear Principal Chief Hoskin:

I am writing to extend an invitation to consult with EPA Region 6 regarding the deletion of the Tulsa Fuel and Manufacturing Superfund Site (TFM Site) from the National Priorities List (NPL). EPA Region 6 has determined that no further response actions are necessary at the TFM Site, and the TFM Site is appropriate for deletion from the NPL in accordance with Section 300.425(e) of the National Contingency Plan, 40 CFR § 300.425(e).

We understand the Cherokee Nation has tribal citizens living near the TFM Site and has expressed concerns with similar contaminant sources near this Site. Because of these concerns, EPA would like to offer the opportunity for the Cherokee Nation to provide input, through the tribal consultation process, on the TFM Site deletion.

While deletion of the TFM Site from the NPL will be a significant accomplishment for the State of Oklahoma and the local community in cleaning up historical smelter-related waste in northeastern Oklahoma, additional work will continue to identify and eliminate other nearby smelter-related wastes that are not part of the TFM Site.

EPA plans to delete the TFM Site from the NPL through a two-step process, with the first step of publishing a Notice of Intent to Delete (NOID) in the Federal Register. The NOID provides for a public comment period of at least 30 days. If no adverse comments are received, a Notice of Deletion (NOD) will be published in the Federal Register, and the deletion will become effective on the date specified in the NOD.

Because of the ongoing deletion process and timeframes, EPA would appreciate a response from you on whether the Cherokee Nation would like to pursue consultation on this matter within 15 days of receipt this letter. Please contact me at (214)665-2100 or mcqueen.ken@epa.gov or Randy Gee of my staff at (214)665-8355 or gee.randy@epa.gov with your response. If we do not receive

a timely response, the Agency will conclude that you do not wish to engage in consultation on the deletion process for the TFM Site.

I look forward to consulting with you on this important matter. Please feel free to contact me at (214)665-2100 or my staff if you need further assistance.

Sincerely,

Ken McQueen
Regional Administrator

Enclosure

cc: Chad Harsha, Secretary of Natural Resources, Cherokee Nation
Wayne Isaacs, Senior Director of Environmental Programs, Cherokee Nation
Kenneth Wagner, Secretary of Energy and Environment, State of Oklahoma
Scott Thompson, Executive Director, ODEQ

ED_005584A_00037258-00002

GWY.Ø DØP
CHEROKEE NATION®
P.O. Box 948 • Tahlequah, OK 74465-0948
918-453-5000 • www.cherokee.org

Office of the Chief

Chuck Hoskin Jr.
Principal Chief

Bryan Warner
Deputy Principal Chief

May 21, 2020

Ken McQueen, Regional Administrator
U.S. EPA, Region VI
Office of the Regional Administrator (ORA)
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Re: Consultation on the Tulsa Fuels and Manufacturing Superfund Site (TFM)

Dear Regional Administrator McQueen:

Cherokee Nation has approximately 3,115 Tribal Citizens residing within 4 miles of the Tulsa Fuels and manufacturing, a NPL listed for over 20 years. Cherokee Nation Environmental Programs has been involved in various activities which include attending public meetings, document review, provided public education and outreach to tribal citizens. Our staff also assisted ODEQ and the Collinsville Soil Group by contacting and encouraging all residents residing within the soil study to have their yards sampled and tested for the presence of heavy metals. We appreciate and support the cleanup efforts from EPA and the Oklahoma Department of Environmental Quality to remediate the Superfund Site.

Cherokee Nation appreciates and accepts the invitation to engage in discussions related to the TFM site deletion process. Items of concern include:

- Future plans for waste identification from the Collinsville and Tulsa Fuels & Manufacturing Sites located off the TFM site,
- Potential impacts to legal claims resulting from delisting of the site,
- Criteria for determining tribal participation in the Tribal Consultation Process for Superfund sites,
- Elements of the Superfund delisting process that provides input from the general public residing in communities located near sites.

If you have any questions please contact me at (918) 453-5369 or may staff if you need additional information.

Sincerely,

Chad Harsha
Secretary of Natural Resources
Cherokee Nation

Cc: Wren Stringer, EPA Superfund Division
Randy Gee, EPA Office of Communities, Tribes and Environmental Assessment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 31, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

MEMORANDUM

SUBJECT: Clarification of Superfund Actions or Decisions in the Remedial Process that May Require Tribal Consultation

FROM: James E. Woolford, Director
Office of Superfund Remediation and Technology Innovation

DANA STALCUP Digitally signed by DANA STALCUP Date: 2020.03.31 16:30:18 -04'00'

TO: Regional Superfund and Emergency Management Division Directors

Purpose

The purpose of this memorandum is to provide clarification to identify the circumstances in the Superfund remedial process under which the Region should consider whether site-specific consultation with a federally-recognized Indian tribe (tribe) that has expressed interest in a Superfund site is appropriate. This memorandum is primarily intended for sites that are not federal facilities.[1] The 2011 *EPA Policy on Consultation and Coordination with Indian Tribes* (2011 Tribal Consultation Policy) "establishes national guidelines and institutional controls for tribal consultation across EPA." The 2011 Tribal Consultation Policy states EPA's intention "is to consult with tribes when EPA actions and decisions may affect tribal interests." According to EPA's *Consulting with Indian Tribal Governments at Superfund sites (a beginner's booklet)* (OSWER-9200.3-42; November 2006), "[c]onsultation generally consists of meaningful and timely communication between EPA officials and tribal government officials in developing Agency actions that affect tribes. Consultation means open sharing of information, the full expression of tribal and EPA views, and a commitment to consider tribal views in decision-making, and respect for tribal self-government and sovereignty." EPA is also required to provide written feedback to explain how the tribe's input was considered in the final action.

[1] At federal facility sites, the other federal agency (OFA) is the lead agency for consultation with interested tribes, and that process would follow the OFA's consultation policy. EPA may play a crucial role in coordination and facilitation in the consultation process at those sites.

Examples of Superfund actions or decision points where EPA may consider offering tribal consultation include but are not limited to:

- Site proposals, finalizations to, and deferrals from the National Priorities List (NPL);
- Remedial investigation/feasibility studies (RI/FS);
- The development of proposed plans and decision documents including Records of Decision (RODs), ROD Amendments, Explanations of Significant Differences (ESDs), and Engineering Evaluation/Cost Analyses (EE/CAs); and
- Full or partial site deletions from the NPL.

In addition, consistent with the 2011 Tribal Consultation Policy, when tribal officials request consultation, EPA should attempt "to honor the tribal government's request with consideration of the nature of the activity, past consultation efforts, available resources, timing considerations, and all other relevant factors."

Background

In January 2019, the U.S. Government Accountability Office (GAO) issued a final report, *EPA Should Improve the Reliability of Data on National Priorities List Sites Affecting Indian Tribes* (GAO-19-123). The report: (1) examined the extent to which EPA has reliable data identifying National Priorities List (NPL) sites that are located on tribal property or that affect tribes; (2) examined the extent to which EPA has reliable data on the agency's consultation with tribes regarding NPL sites; and (3) described the actions EPA has taken to address the unique needs of tribes when making decisions about NPL cleanup actions. Although the report recognized the significant work that EPA already performs in collaborating and coordinating with tribes in the Superfund process, the report also recommended that OSRTI clarify agency guidance regarding tribal consultation for the Superfund program to clearly identify the circumstances under which the agency should consider consulting with tribes. In response, EPA committed to issuing a memorandum to the Regions that clarifies those points in the Superfund process under which regions may consider site-specific tribal consultation.

As identified by the Office of International and Tribal Affairs Superfund FAQ for the Tribal Consultation Opportunity Tracking System (TCOTS), there may be multiple points in the Superfund remedial process where EPA takes action or makes decisions that may be appropriate for consultation. EPA tracks all tribes with "Native American Interest" in a site in the Superfund Enterprise Management System (SEMS). (Please see Chapter V of the *Superfund Program Implementation Manual* for more information on associating a tribe to a site.) The Region should consider offering consultation to any tribes who are known to have interest in the site although not all tribes interested in a site may be impacted by each Agency action or decision at the site.

As stated above, the action or decision points in the Superfund process that necessitate tribal consultation may include:

- Site proposals, finalizations to, and deferrals from the NPL:
  A decision about whether a site is added to the NPL may have implications in terms of the remediation process, funding for the work, and tribal involvement in the cleanup at the site.

- RI/FS:
  Although the RI/FS process is not a discrete action or decision point, many of the components of the RI/FS process (such as the conceptual site model, human health and/or ecological risk assessments, use of traditional ecological knowledge[2], identification of historic cultural resources,[3] and scoping of remedial alternatives) have important implications for later decisions such as identifying applicable or relevant and appropriate requirements, establishing cleanup goals, and selecting a remedy. Thus, it may be appropriate to obtain formal tribal input on critical components of the RI/FS. The need for consultation during this stage should be determined based on site-specific circumstances as well as the level of coordination with tribes that has already occurred to this point.
- The development of proposed plans and decision documents including RODs, ROD Amendments, ESDs, and EE/CAs:
  Decision documents and any proposed plans that lead to them are important decision point milestones at a Superfund site that will determine both the level to which the contamination will be cleaned up and the remedy components that will be used. It may be possible that if the Region consults with a tribe on the proposed plan, additional consultation on the ROD that comes from it may not be necessary.
- Full or partial site deletions from the NPL:
  Deletion from the NPL is a decision point indicating EPA believes that no further response is required to protect human health or the environment. (It should be noted that even if a site is deleted from the NPL, there may be ongoing remedy operation and maintenance, monitoring, and/or five-year reviews at the site, so continued coordination and possible later consultation with a tribe may still be necessary.)

Ultimately, the region will determine whether consultation is necessary or appropriate at each of these points or at other site milestones based on the site circumstances and the tribes that are involved at the site. According to the 2011 Tribal Consultation Policy, "The final decision on consultation is normally made after examining the complexity of the activity, its implications for tribes, time and/or resource constraints, an initial identification of the potentially affected tribe(s), application of the mechanisms for identifying matters for consultation…and interaction with tribal partnership groups and tribal governments." Therefore, the decision to consult with a tribe at any given point in the Superfund remedial process must be made by the Remedial Project Manager in consultation with regional management and the regional Superfund Tribal Coordinator[4] and in accordance with the 2011 Tribal Consultation Policy.

A tribe may decline an offer of consultation. Nevertheless, all completed consultations and declined offers of consultation must be documented in TCOTS at tcots.epa.gov. Although repeated consultation with a tribe may be necessary throughout the Superfund process, each consultation should focus on a single site-specific action or decision and have a discrete start and

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[2] See *Consideration of Tribal Treaty Rights and Traditional Ecological Knowledge in the Superfund Remedial Program* (OLEM 9200.2-177)

[3] Refer to Section 106 of the National Historic Preservation Act (36 CFR 800) for requirements for consultation with Tribal Historic Preservation Officers concerning the potential for an adverse impact from remedial decisions at Superfund sites that are located on tribal land or when a tribe attaches religious or cultural significance to the historic property, regardless of the property's location. This may include pre-contact ancestral lands.

[4] For the Superfund Tribal Coordinator in your region, please see: https://www.epa.gov/superfund/remedial-program-indian-country

end date. A TCOTS entry should document a single consultation, not encompass repeated consultation efforts and continual coordination that occurs over the life of a Superfund site.

If you have any questions, please contact the OSRTI Tribal Coordinators, Christine Poore (poore.christine @epa.gov or 703-603-9022) or Amanda Van Epps (vanepps.amanda@epa.gov or 703-603-8855).

cc: Peter Wright, OLEM
Barry Breen, OLEM
Steven Cook, OLEM
Erika Wilson, OLEM
Felicia Wright, OITA
Susan Bodine, OECA
Larry Starfield, OECA
Cyndy Mackey, OSRE
Jonathan Binder, OECA
Greg Gervais, FFRRO
Dana Stalcup, OSRTI
Brigid Lowery, OSRTI
Christine Poore, OSRTI
Amanda Van Epps, OSRTI
Superfund Regional Tribal Coordinators

Tulsa Fuel and Manufacturing NPL Superfund Site Deletion Tribal Consultation
Cherokee Nation and U.S. EPA Region 6
June 3, 2020
2:30 –3:15pm CDT
Conference Number: 210-469-3886 Code 953 668 452

Agenda

- Welcome
- Introductions
- Opening Remarks, Goals for this Meeting – Secretary of Natural Resources Chad Harsha and Regional Administrator Ken McQueen
- Overview of Action
- Discussion Items
  - Future plans for waste identification from the Collinsville and Tulsa Fuel and Manufacturing Sites located off the TFM site.
  - Potential impacts to legal claims resulting from delisting of the site.
  - Criteria for determining tribal participation in the Tribal Consultation Process for Superfund sites.
  - Elements of the Superfund delisting process that provides input from the general public residing in communities located near site.
- Next Steps

Cherokee Nation Attendees:
Chad Harsha, Secretary of Natural Resources
Wayne Isaacs, Senior Director, Environmental Programs

U.S. Environmental Protection Agency Region 6 Attendees
Ken McQueen, Regional Administrator
David Gray, Deputy Regional Administrator
Stephen Tatum, Chief of Staff
Wren Stenger, Director, Superfund and Emergency Management Division
Arturo Blanco, Director, Office of Communities, Tribes and Environmental Assessment
Lisa Price, Deputy Director, Superfund and Emergency Management Division
Gerardo Acosta, Staff Director, Office of Communities, Tribes and Environmental Assessment
John Meyer, Remedial Branch Chief, Superfund and Emergency Management Division
Blake Atkins, Section Chief, Superfund and Emergency Management Division
I-Jung Chiang, Superfund Branch Chief, Office of Regional Counsel
Tina Alvarado, Tribal Law Advisor, Office of Regional Counsel
Elizabeth Pletan, Superfund Branch, Office of Regional Counsel
Randy Gee, Team Leader, Office of Communities, Tribes and Environmental Assessment

Appointment

From: Gee, Randy [Gee.Randy@epa.gov]
Sent: 7/21/2020 9:14:48 PM
To: kwelch@wyandotte-nation.org; tmills@tonkawatribe.com; aheim@omtribe.org; fhackett [fhackett@kawnation.com]; rschlottke@sctribe.com; swolfe@sctribe.com; ktep@kiowatribe.org; shaun-west@cherokee.org; Hight, Ira [Hight.Ira@epa.gov]; Lhopinkah_sfpueblo.com [LHopinkah@sfpueblo.com]; Jayson Romero [jayson_romero@pueblodecochiti.org]; kelley.j@sno-nsn.gov; timlkent@hotmail.com; poncatribeoem@gmail.com; April-Hathcoat_cherokee.org [April-Hathcoat@cherokee.org]; Karmen@enipc.org; Gray, David [gray.david@epa.gov]; Rush, Randall [Rush.Randall@epa.gov]; CCooper@delawarenation-nsn.gov; Davis, Suea [davis.suea@epa.gov]; rosanna@shawnee-tribe.com; Setter@pol-nsn.gov; lynns@comanchenation.com; environment_picurispueblo.org [environment@picurispueblo.org]; Acosta, Gerardo [Acosta.Gerardo@epa.gov]; rhagler@iowanation.org; tweston@nambepueblo.org; R6 Division Directors [R6_Division_Directors@epa.gov]; JSpradling@coushattatribela.org; Phillip Mee [Phillip.Mee@sacandfoxnation-nsn.gov]; tarnold@quapawtribe.com; McQueen, Ken [McQueen.Ken@epa.gov]; Kathryn Becker [kathryn.becker@state.nm.us]; misaacs@astribe.com; gjojola@pol-nsn.gov; McDonald, James [McDonald.James@epa.gov]; cindy.gammons@chickasaw.net; abarnes@delawaretribe.org; whdavis42@gmail.com; Turk, James [turk.james@epa.gov]; mmatlock@pawneenation.org; Montoya, Ramona [Ramona.Montoya@Isletapueblo.com]; dbeecher@pol-nsn.gov; tswoyer@omtribe.org; Lee, Pascale [Lee.Pascale@epa.gov]; Wayne-Isaacs@cherokee.org; tammy.parker@ashiwi.org; Tatum, Stephen [Tatum.Stephen@epa.gov]; Dale.Miller@sacandfoxnation-nsn.gov; VDeLaRosa@delawarenation-nsn.gov; gkaufman@puebloofteesuque.org; llatterell@pojoaque.org; Christina.Cooper@comanchenation.com; sagegarcia@sandiapueblo.nsn.us; neshoba32@yahoo.com; kialegeett [kialegeett@gmail.com]; Olson, Alexandra [olson.alexandra@epa.gov]; gene_kahee@cochiti.org; rmartinez@sanipueblo.org; damon.dunbar@c-a-tribes.org; vrodriguez@poamail.org; karadavis@kickapootribeofoklahoma.com; mack.peterson@chickasaw.net; CKreman@quapawtribe.com; ewoodward@pol-nsn.gov; CAtcitty@taospueblo.com; alan.hatch@santaana-nsn.gov; jwilliams@mcn-nsn.gov; ywiley [ywiley@iowanation.org]; dmartinez@poamail.org; maxine.paul@santaana-nsn.gov; hwebb@miamination.com; blacrone@osagenation-nsn.gov; ccooper@delawarenation.com; njohn@cherokee.org; gene_kahee@pueblodecochiti.org; wwarrior@ukb-nsn.gov; Ruben.Lucero@isletapueblo.com; tammy.montoya@santaana-nsn.gov; cnaha@kewa-nsn.us; sara-hill@cherokee.org; ato.epa@gmail.com; prattdoucet@yahoo.com; jimmiejohnson@delawaretribe.org; mchavez@enipc.org; aondasan@sfpueblo.com; Jason-White@cherokee.org; tbaker@choctawnation.com; obwhaley@navajo-nsn.gov; Andrew Sweetman [Andrew.sweetman@santaana-nsn.gov]; karen-dye@cherokee.org; apachetribeepa@gmail.com; bgarcia@sfpueblo.com; tkent@quapawtribe.com; naomi.archuleta@ohkay.org; jtracy@sandiapueblo.nsn.us; jquestme2001@yahoo.com; klaughlin@estoo.net; brians@comanchenation.com; lthomas@peoriatribe.com; tarmijo [tarmijo@ziapueblo.org]; Jeremy.Fincher@sacandfoxnation-nsn.gov; Chad-harsha@cherokee.org; earlii@tunica.org; CSloan@quapawtribe.com; clee@wyandotte-nation.org; Senkayi, Sala [Senkayi.Sala@epa.gov]; Hicks, Curtis [hicks.curtis@epa.gov]; Wang, Jonathan [Wang.Jonathan@epa.gov]; noah.kaniatobe@ohkay.org; emorgan@alabama-quassarte.org; R6 Deputy Division Directors [R6_Deputy_Division_Directors@epa.gov]; dinoc@santaclarapueblo.org; Tabitha.oto@gmail.com; thora@mescalerodrmp.org; battise.jenna@actribe.org; McAtee, Jeffrey [McAtee.Jeffrey@epa.gov]; Cheryl.oto@gmail.com; Gomez, Salina [Gomez.Salina@epa.gov]; Maguire, Charles [maguire.charles@epa.gov]; lkie@pol-nsn.gov; sbulgrin@sandiapueblo.nsn.us; ltippit@peoriatribe.com; Tanimura, Erin [Tanimura.Erin@epa.gov]; jacob_pecos@pueblodecochiti.org; cherylstafford@sbcglobal.net; Clark, Teresa [Clark.Teresa@epa.gov]; asylestine@actribe.org; Mason, Scott [Mason.Scott@epa.gov]; BLeDoux@CoushattaTribeLA.org; jmccasland@delawarenation-nsn.gov; Morton, Michael [Morton.Michael@epa.gov]; thorst@choctawnation.com; administrativeassistantppe_picurispueblo.org [administrativeassistantppe@picurispueblo.org]; cltecube@yahoo.com; Wright, Felicia [Wright.Felicia@epa.gov]; SKing [SKing@quapawtribe.com]; Stenger, Wren [stenger.wren@epa.gov]; melissarobinson@choctawnation.com; Lwilliamson_jenachoctaw.org [Lwilliamson@jenachoctaw.org]; pstout@sfpueblo.com; jason.prince@wichitatribe.com; PHILLIP.CRAVATT@chickasaw.net; showard@potawatomi.org; blujan@taospueblo.com; Antonio.garza@ktttribe.org; dshields@kickapootribeofoklahoma.com; Allen, Mark [Allen.Mark@epa.gov]; jacob.pecos@cochiti.org; kenj@astribe.com; bogan.jenna@actribe.org; afurr@enipc.org; srydeen@nambepueblo.org; aduran@pojoaque.org; lorianne.oto_gmail.com [lorianne.oto@gmail.com]; tom-elkins@cherokee.org; tbonnette@tunica.org; d.tartsah@yahoo.com; pedwards.cn@gmail.com; andres.monreal@ktttribe.org; ktaylor@tttown.org; TPUSOperations@taospueblo.com; paul.clarke@jemezpueblo.org; alankford@miamination.com; tanequodle@yahoo.com; vdelarosa_delawarenation.com [vdelarosa@delawarenation.com]; jabeyta@puebloofteesuque.org; KMcMurl@iowanation.org; jennifer.heminokeky@fortsillapache-nsn.gov; Harris, Fincher [harris.fincher@epa.gov];

tammy.belone@jemezpueblo.org; bvaldivieso@ydsp-nsn.gov; ecruz@ydsp-nsn.gov; jreyher@mcn-nsn.gov; jannhayman@osagenation-nsn.gov; cromero@omtribe.org; amurry@peoriatribe.com; Hobia Waylon [waylon.hobia@kialegeetribe.net]; SAttocknie@quapawtribe.com [sattocknie@quapawtribe.com]; tabithapanvelle@att.net; tflores@tonkawatribe.com; kim@chitimacha.gov; ja_garza@hotmail.com; dbeaver@mcn-nsn.gov; McIntosh, Chad [mcintosh.chad@epa.gov]; Berrios, Lisa [Berrios.Lisa@epa.gov]; Cruz, Abigail [cruz.abigail@epa.gov]; R6 RIWG [R6_RIWG@epa.gov]; Cherrett, Christine [cherrett.christine@epa.gov]; Nevin Sanchez [NSanchez@sfpueblo.com]; Michael T. Sandoval [michaelt@sfpueblo.com]; Hayes, Mark [hayes.mark@epa.gov]; Glenn Tortalita [gtortalita@ZiaPueblo.org]; Benjamin, Agatha [Benjamin.Agatha@epa.gov]; McDuffie, Erin [McDuffie.Erin@epa.gov]

CC: Welton, Patricia [Welton.Patricia@epa.gov]; McGuire, James [McGuire.James@epa.gov]; Lopez, Samuel [Lopez.Samuel@epa.gov]; Brown, Jamesr [brown.jamesr@epa.gov]; Fontenot, Alison [Fontenot.Alison@epa.gov]; Bobay, Lia [bobay.lia@epa.gov]; R6 WD-PN [R6_WD-PN@epa.gov]

Subject: Regional Tribal Operations Committee (RTOC) Meeting
Attachments: Region 6 RTOC Report-July 2020.pdf; July Virtual RTOC Meeting Agenda_FULL CAUCUS_July 22 2020 (revised).pdf
Location: Microsoft Teams Meeting

Start: 7/22/2020 2:00:00 PM
End: 7/22/2020 10:00:00 PM
Show Time As: Tentative

Recurrence: Daily
every day from 2:00 PM to 4:00 PM
Required Attendees: (unknown property type)
Optional Attendees: Welton, Patricia; McGuire, James; Lopez, Samuel; Brown, Jamesr; Fontenot, Alison; Bobay, Lia; R6 WD-PN

Join Microsoft Teams Meeting

+1 210-469-3886 United States, San Antonio (Toll)

Conference ID: 884 396 894#

Local numbers | Reset PIN | Learn more about Teams | Meeting options

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

EPA Region 6 Updates Regarding Los Alamos National Laboratory

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Land, Chemical and Redevelopment Division

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Superfund and Emergency Management Division

TRIBAL CONSULTATION AND COORDINATION

VARIOUS REMOVAL/REMEDIAL ISSUES

Tulsa Fuel and Manufacturing, Collinsville, OK (NPL Deletion): EPA is currently working to complete the final stages of the Tulsa Fuel and Manufacturing site deletion process. Cherokee Nation Secretary Harsha requested formal consultation to discuss the decision to delete the site from the National Priorities List, and this request was conducted via conference call on June 3, 2020 and memorialized in a June 15, 2020 close out letter. The Notice of Intent to Delete (NOID) is expected to be published in the Federal Register in July 2020 to solicit public review and comment for thirty days. Pending review of public comments, a final Notice of Deletion would be published in September 2020. ***John Meyer 214-665-6742***

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Appointment

From: Gee, Randy [Gee.Randy@epa.gov]
Sent: 5/29/2020 2:42:53 PM
To: Gee, Randy [Gee.Randy@epa.gov]; McQueen, Ken [McQueen.Ken@epa.gov]; Gray, David [gray.david@epa.gov]; Tatum, Stephen [Tatum.Stephen@epa.gov]; Tanimura, Erin [Tanimura.Erin@epa.gov]; Chad-harsha@cherokee.org; Wayne-Isaacs@cherokee.org; Stenger, Wren [stenger.wren@epa.gov]; Price, Lisa [Price.Lisa@epa.gov]; Meyer, John [Meyer.John@epa.gov]; Atkins, Blake [Atkins.Blake@epa.gov]; Chiang, I-Jung [chiang.i-jung@epa.gov]; Blanco, Arturo [Blanco.Arturo@epa.gov]; Acosta, Gerardo [Acosta.Gerardo@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]
CC: Davis, Suea [davis.suea@epa.gov]; Turk, James [turk.james@epa.gov]; Pletan, Elizabeth [pletan.elizabeth@epa.gov]

Subject: EPA Region 6 Consultation with Cherokee Nation on Tulsa Fuel NPL Site Deletion
Attachments: EPA Tribal Consultation Invitation Letter to Cherokee Nation on Tulsa Fuel.pdf; CN Consult Ltr 05.21.20.pdf; Tulsa Fuels Final Close Out Report SIGNED April 2 2020.pdf; Clarification on Tribal Consultations on Remedial Actions-signed (003).pdf; r6epatribalconsultationprocedures_may2015.pdf; 6-3-2020 Tulsa Fuel Meeting Agenda.pdf
Location: Conference Call

Start: 6/3/2020 7:30:00 PM
End: 6/3/2020 8:15:00 PM
Show Time As: Tentative

Required Attendees: McQueen, Ken; Gray, David; Tatum, Stephen; Tanimura, Erin; Chad-harsha@cherokee.org; Wayne-Isaacs@cherokee.org; Stenger, Wren; Price, Lisa; Meyer, John; Blake Atkins; Chiang, I-Jung; Blanco, Arturo; Acosta, Gerardo; Alvarado, Tina
Optional Attendees: Davis, Suea; Turk, James; Pletan, Elizabeth

Agenda and call attendees list added

Phone Number 210-469-3886
Code 953 668 452

The EPA Region 6 consultation with Cherokee Nation on the NPL deletion of the Tulsa Fuel and Manufacturing Superfund Site will be held on Wednesday, June 3 at 2:30 CDT. The consultation will be held via conference call and above are the phone number and code for the conference line. Attached is background material for the consultation. An agenda and list of call attendees will be added to this calendar invitation.

If you have questions you may call me at 214-665-8355 or by email at gee.randy@epa.gov

Thank you,

Randy Gee
EPA Region 6 Office of Communities, Tribes and Environmental Assessment
Office Phone: 214-665-8355

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

May 7, 2020

The Honorable Chuck Hoskin, Jr.
Principal Chief
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465
chuck-hoskin@cherokee.org

Re: Invitation to Consult on the Tulsa Fuel and Manufacturing Superfund Site Deletion

Dear Principal Chief Hoskin:

I am writing to extend an invitation to consult with EPA Region 6 regarding the deletion of the Tulsa Fuel and Manufacturing Superfund Site (TFM Site) from the National Priorities List (NPL). EPA Region 6 has determined that no further response actions are necessary at the TFM Site, and the TFM Site is appropriate for deletion from the NPL in accordance with Section 300.425(e) of the National Contingency Plan, 40 CFR § 300.425(e).

We understand the Cherokee Nation has tribal citizens living near the TFM Site and has expressed concerns with similar contaminant sources near this Site. Because of these concerns, EPA would like to offer the opportunity for the Cherokee Nation to provide input, through the tribal consultation process, on the TFM Site deletion.

While deletion of the TFM Site from the NPL will be a significant accomplishment for the State of Oklahoma and the local community in cleaning up historical smelter-related waste in northeastern Oklahoma, additional work will continue to identify and eliminate other nearby smelter-related wastes that are not part of the TFM Site.

EPA plans to delete the TFM Site from the NPL through a two-step process, with the first step of publishing a Notice of Intent to Delete (NOID) in the Federal Register. The NOID provides for a public comment period of at least 30 days. If no adverse comments are received, a Notice of Deletion (NOD) will be published in the Federal Register, and the deletion will become effective on the date specified in the NOD.

Because of the ongoing deletion process and timeframes, EPA would appreciate a response from you on whether the Cherokee Nation would like to pursue consultation on this matter within 15 days of receipt this letter. Please contact me at (214)665-2100 or mcqueen.ken@epa.gov or Randy Gee of my staff at (214)665-8355 or gee.randy@epa.gov with your response. If we do not receive

a timely response, the Agency will conclude that you do not wish to engage in consultation on the deletion process for the TFM Site.

I look forward to consulting with you on this important matter. Please feel free to contact me at (214)665-2100 or my staff if you need further assistance.

Sincerely,

Ken McQueen
Regional Administrator

Enclosure

cc: Chad Harsha, Secretary of Natural Resources, Cherokee Nation
Wayne Isaacs, Senior Director of Environmental Programs, Cherokee Nation
Kenneth Wagner, Secretary of Energy and Environment, State of Oklahoma
Scott Thompson, Executive Director, ODEQ

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GWY.Ø DØP
CHEROKEE NATION®
P.O. Box 948 • Tahlequah, OK 74465-0948
918-453-5000 • www.cherokee.org

Office of the Chief

Chuck Hoskin Jr.
Principal Chief

Bryan Warner
Deputy Principal Chief

May 21, 2020

Ken McQueen, Regional Administrator
U.S. EPA, Region VI
Office of the Regional Administrator (ORA)
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Re: Consultation on the Tulsa Fuels and Manufacturing Superfund Site (TFM)

Dear Regional Administrator McQueen:

Cherokee Nation has approximately 3,115 Tribal Citizens residing within 4 miles of the Tulsa Fuels and manufacturing, a NPL listed for over 20 years. Cherokee Nation Environmental Programs has been involved in various activities which include attending public meetings, document review, provided public education and outreach to tribal citizens. Our staff also assisted ODEQ and the Collinsville Soil Group by contacting and encouraging all residents residing within the soil study to have their yards sampled and tested for the presence of heavy metals. We appreciate and support the cleanup efforts from EPA and the Oklahoma Department of Environmental Quality to remediate the Superfund Site.

Cherokee Nation appreciates and accepts the invitation to engage in discussions related to the TFM site deletion process. Items of concern include:

- Future plans for waste identification from the Collinsville and Tulsa Fuels & Manufacturing Sites located off the TFM site,
- Potential impacts to legal claims resulting from delisting of the site,
- Criteria for determining tribal participation in the Tribal Consultation Process for Superfund sites,
- Elements of the Superfund delisting process that provides input from the general public residing in communities located near sites.

If you have any questions please contact me at (918) 453-5369 or may staff if you need additional information.

Sincerely,

Chad Harsha
Secretary of Natural Resources
Cherokee Nation

Cc: Wren Stringer, EPA Superfund Division
Randy Gee, EPA Office of Communities, Tribes and Environmental Assessment

Final Close Out Report

Tulsa Fuel and Manufacturing Superfund Site

Tulsa County, Oklahoma

(EPA ID OKD987096195)

Unites States Environmental

Protection Agency

Region 6

Superfund Division

April 2020

SUPERFUND FINAL CLOSE OUT REPORT
TULSA FUEL AND MANUFACTURING SUPERFUND SITE
TULSA COUNTY, OKLAHOMA

I. INTRODUCTION

This Final Close Out Report (FCOR) documents that the U.S. Environmental Protection Agency (EPA) has determined that all appropriate response actions at the Tulsa Fuel and Manufacturing Superfund Site (Site) have been successfully implemented by EPA and the Oklahoma Department of Environmental Quality (ODEQ) in accordance with *Close Out Procedures for National Priorities List Sites* (OSWER Directive 9320.2-22) (EPA, 2011).

II. SUMMARY OF SITE CONDITIONS

Background

The Tulsa Fuel and Manufacturing (TFM) Superfund Site (CERCLIS ID# OKD987096195) is located in northeastern Oklahoma approximately 1-1/3 miles south of downtown Collinsville in Tulsa County, Oklahoma (ODEQ, 2018a). The Site is in the eastern half of Section 31 and western half of Section 32, Township 22 North, Range 14 East in Tulsa County, Oklahoma, with coordinates of 36° 20' 45" north latitude and 95° 50' 51" west longitude (BMcD, 2017a). Figure 1 shows a map of the approximately 61-acre Site, which is bounded by "Old" U.S. Highway 169 and the Atchison Topeka Santa Fe railroad tracks (currently operated by Watco Transportation Services, LLC) to the east; a flooded strip mine pit from a former coal mining operation to the south; and agricultural and residential lots to the north and west (OSDH, 1992 and ODEQ, 2011).

The Site was formerly operated as a zinc smelter and lead roaster industrial facility from 1914 through 1925 (BMcD, 2017a). During the Remedial Action (RA), approximately 186,000 cubic yards of waste, soil, and sediment contaminated with heavy metals were placed in an on-site hazardous waste consolidation cell. The Site now includes an approximate 11-acre consolidation cell with a five-strand barbed wire perimeter fence to restrict access. Four groundwater monitoring wells that surround the cell are included within the fenced-in area (BMcD, 2017c). The flooded strip mine pit at the southern site boundary receives surface water runoff and likely interacts with Site groundwater (BMcD, 2007).

Land and Resource

No major bedrock or alluvial aquifers lie beneath the Site. Groundwater beneath the Site is from the Seminole Formation, which reportedly yields small amounts of fair to poor quality water, and has been designated as a Class IIB minor use general basin (OAC, 2004). The Seminole Formation consists of shale, sandstone, and thin coal beds and has a thickness of approximately 200 feet (EPA, 2008).

Historically, Site groundwater flows toward the southeast. Though Site groundwater is typically shallow (as little as 5 ft below ground surface to groundwater (EPA, 2008)), groundwater

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beneath the on-site consolidation cell does not directly intersect the cell's waste material (EPA, 2015).

The TFM Site vicinity is underlain by unconsolidated overburden that primarily consists of silt, silty loam, shale sediments, and clay (BMcD, 2017a). This natively underlying clay binds and generally restricts the contaminants of concern (COCs) from migrating into groundwater; nevertheless, continued groundwater monitoring is required to quantitatively measure the performance of the selected remedy (ODEQ, 2018b). No municipal wells, public wells, or wellhead protection areas were found within a 4-mile radius, but several private wells exist within a 1-mile radius (BMcD, 2017a).

There are no known flooding problems upstream or downstream of the Site, or on the Site itself, and FEMA maps indicate that the entire Site does not lie within a floodplain of 500 years or less (BMcD, 2017b). An intermittent stream originates in this area and flows approximately three quarters of a mile northeast before draining into Blackjack Creek.

History of Contamination

During World War I, zinc was in great demand for galvanizing armaments to prevent rust. A zinc smelter and lead roaster operated at the TFM Superfund Site from 1914 through 1925. Historically, the smelter was known as the Prime Western Smelter. The smelting operation used nine furnaces. Other main structures of the smelter included a mechanical kiln building, a condenser room, and a laboratory. A 2 million-gallon capacity reservoir was used in conjunction with the condenser room during smelting operations. In addition, waste piles and large amounts of ore were stored on-site. Little is known about waste management at the smelter during its operation. Due to the time period in which the smelter operated, it is unlikely that air emission control devices were used (ODEQ, 1994 and OSDH, 1992).

Prior to the Remedial Action, portions of the Site were covered with waste consisting of broken retorts and condensers, slag, building debris, ash, bricks, and other materials from the former smelting operations (BMcD, 2007). Smelter-related waste material at the Site caused contamination of soil, sediment, and surface water (ODEQ, 2011). Groundwater at the Site was not impacted by the contaminated soil and waste material.

Initial Response

In November 1992, the Oklahoma State Department of Health conducted a focused Preliminary Assessment (PA) under the direction of the EPA as part of a multi-site cooperative agreement. In September 1994, ODEQ conducted a focused Site Inspection (SI) under the direction of the EPA.

The EPA conducted a Removal Assessment in 1999 to estimate the volume of contaminated materials on the Site. In May 2001, voluntary blood lead testing was conducted on children from six months to six years of age. In September 2001, after the potentially responsible party (PRP) declined to conduct the remedial investigation/feasibility study (RI/FS), the EPA and ODEQ negotiated a cooperative agreement in which ODEQ assumed the role of lead agency for the

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RI/FS with the EPA acting as the support agency. In 2003, unilateral administrative orders for access and noninterference were issued to two property owners of the Site, and Site access was granted (BMcD, 2017a). In 2004, perimeter fences were installed as an emergency response action to secure the Site: a 6 ft tall chain link fence was constructed along the north boundary, and a 4-strand barbed wire fence was constructed along the east boundary. This action met the criteria for initiating a removal action under Section 300.415 of the *National Oil and Hazardous Substances Pollution Contingency Plan* (NCP), 40 C.F.R. § 300.415 (EPA, 2004).

Record of Decision

A proposed plan for the Site was issued in September 1998 presenting the preferred alternative of on-site consolidation and capping of soil, sediment, and waste material that contained hazardous concentrations of heavy metals. On September 29, 1998, EPA proposed the Site to the National Priorities List (NPL) (63 FR 51882), and on January 19, 1999, the EPA placed this Site as final on the National Priorities List (NPL) (64 FR 2942) in an effort to remediate areas affected by arsenic, lead, and cadmium, and also to prevent potential contamination of surface water, sediment, and groundwater in the area. The Record of Decision (ROD) was signed on November 24, 2008. The Site was addressed as one operable unit. Remedial Action Objectives were developed for Site soil, sediment, surface water, and waste material and are listed below.

Remedial Action Objectives and Clean-up Levels

The ROD established the following Remedial Action Objectives (RAOs) for the selected remedy (EPA, 2008):

- **Soil and Waste Materials:** Protect human health by preventing direct contact, through the ingestion and inhalation exposure pathways, with arsenic, cadmium, and lead-contaminated on-site and off-site soil and waste material by reducing arsenic, cadmium, and lead concentrations to residential levels less than 37 parts-per-million (ppm), 75 ppm, and 500 ppm respectively, or to nonresidential levels less than 200 ppm, 560 ppm, and 1,000 ppm respectively.

- **Sediment:** Protect human health and the environment by preventing direct contact, through the ingestion pathway, with arsenic, cadmium, and lead-contaminated sediment by reducing arsenic, cadmium, and lead concentrations to levels less than 181 ppm, 813 ppm, and 500 ppm, respectively.

- **Surface Water:** Protect human health and the environment by preventing direct contact, through the ingestion pathway, with cadmium-contaminated surface water by reducing cadmium concentrations to levels less than 238 parts-per-billion (ppb).

In order to achieve these RAOs, numerical risk-based cleanup levels were established for each environmental medium based on a scenario allowing for future residential use. Table 1 in the Appendix contains a summary of the cleanup levels established by the RAOs.

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Remedy Components

The major remedy components at the Site, as selected in the 2008 ROD and modified in the 2015 ROD Amendment for the Site, were the following (USEPA 2015):

- **Soil and Waste Material:** On-site remedy components consisted of consolidation and on-site capping of soil and waste material exceeding cleanup levels. Confirmation soil sampling was conducted in each area of excavation to ensure cleanup levels were met and all contaminated soil and waste material was removed.

- **Sediment and Surface Water:** On-site ponds, mid-site ravine, and strip mine pit remedy components consisted of on-site disposal of material exceeding the cleanup levels for sediment and surface water. Sediment was dewatered, excavated, and analyzed according to toxicity characteristic leaching procedures (TCLP), and consolidated on-site. Confirmation sediment sampling was conducted after excavation to ensure cleanup levels were met and all contaminated sediment was removed.

- **Off-Site Soil, Sediment, and Waste Material Locations**: Off-site excavation and disposal was conducted for waste material exceeding the cleanup levels for soil, sediment, and waste material. This off-site waste material was analyzed via TCLP and consolidated on-site. Confirmation sampling was conducted after excavation to ensure cleanup levels were met and all contaminated soil, sediment, and waste material was removed.

Long-term monitoring, site inspections, operation and maintenance, institutional controls, and five-year reviews were required due to the consolidation and capping of waste materials on-site.

ROD Amendment

In June 2015, the ROD Amendment was finalized to waive Oklahoma Administrative Code (OAC) 252:515-11-3, allowing for construction of the consolidation cell without the minimum five-foot vertical separation between the highest ground water elevation and the lowermost waste surface, and to remove sediment treatment as a component of the remedy (BMcD, 2017a). For both of these changes, it was determined that the amended remedy would attain an equivalent level of protection. The ROD Amendment did not alter the original RAOs identified in the 2008 ROD (EPA, 2015).

Remedial Design

The selected remedy required excavation and on-site consolidation of soil, sediment, and waste material. The remedy also required the dewatering of on-site surface waters: ponds, mid-site ravine, and strip mine pit. The remedial design (RD) detailed the remedy through design drawings and specifications, cost estimates, a Construction Quality Assurance Plan, and a draft Operation & Maintenance Manual. Work plans for the RD and remedial action (RA) were completed in February 2012 and June 2015, respectively. A value engineering screening report was completed in May 2014. ODEQ conducted the RD and RA as the lead agency through a

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cooperative agreement; EPA acted as the support agency.

Remedial Construction Activities

Remedial Action construction began in June 2015 and was completed in September 2016. During RA, a total of approximately 185,820 cubic yards of soil, sediment, and waste were excavated and placed into the on-site consolidation cell. Excavated areas were backfilled, graded, and seeded after confirmation sampling established that cleanup levels for residential standards had been met.

As excavation activities progressed, waste was found to exist at a location where removal would be both impracticable and unsafe: within an area named "T-37" (Figure 3). Additionally, two property owners declined to allow excavation on their property: along the railroad right-of-way, and also approximately 200 ft to the north of the consolidation cell at a corner of the Site's chain-link perimeter fence (BMcD, 2017c). An institutional control (IC) was implemented to limit use at the T-37 location and at the consolidation cell area to industrial/commercial use only (EPA, 2019); these are the only two on-site locations with an IC, as well as the only locations restricted from residential use.

Containment

The ROD required on-site and off-site soil, sediment, and waste material to be excavated, contained, and capped into an on-site consolidation cell. Containment for the constructed cell consists of a natural low-flow migration barrier—highly impermeable clay—beneath the cell and a 2 ft thick compacted clay cap covered with 1 ft of vegetated soil (EPA, 2015). Capping prevents water infiltration that could create leachate and prevents transportation of wastes caused by erosion. Periodic inspections of the cap will continue to be conducted to ensure the integrity of the cap; the below section "IV. Summary of Operation and Maintenance Required" describes these inspections in more detail.

Operational and Functional Period

During the Operational and Functional (O&F) period, multiple issues were managed:

- RA construction demobilization (including review of contractor documents)
- Sampling result tabulation, validation, and evaluation for T-37 area
- Perimeter fence/signage integrity evaluation
- High-capacity drainage channel maintenance
- Vegetative growth improvements
- Groundwater monitoring events # 1–3 and development of associated reports
- Erosion maintenance
- Institutional controls development and filing
- Chicken litter fertilizer management
- Vegetation monitoring inspection and development of associated report
- Burrowing animal control within cell area

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- Final O&F Inspection
- Investigation derived waste disposal

The *Remedial Action Completion Report* was issued in July 2017. The report provides a detailed summary of RA activities, including site preparation, post-construction activities, deviations, and inspections (BMcD, 2017c).

Final Inspection

On November 8, 2017, a final O&F inspection was completed by the EPA, ODEQ and Burns & McDonnell Engineering Company, Inc. This inspection was documented by the *Final Operational and Functional (O&F) Inspection Technical Memorandum* (BMcD, 2017d), which focused on evaluation of the condition and effectiveness of the consolidation cell and associated Site drainage features, as well as documenting a final punch list of items to be addressed. The memo stated that the consolidation cell and associated drainage features are in good condition and functioning as intended and designed: backfill and grading operations continue to be effective in controlling Site drainage; the stability and integrity of the soil cover has been maintained with no visual signs of erosion or damage; the vegetative cover is well established; and other erosion control measures continue to be effective (BMcD, 2017d).

In addition, institutional controls (ICs) have been filed for the appropriate locations within the Site, current land use of the Site meets the requirements of the ICs, and current zoning of the Site and surrounding areas remain unchanged. These ICs were completed and filed as Notices of Remediation on property deeds in September 2017 with the Tulsa County Clerk to protect the remedy and physical structures—including groundwater monitoring wells and fencing—and to designate the consolidation cell area and 0.1-acre T-37 as areas where only industrial and commercial land uses are permitted. For more details on ICs, see section "Remedial Construction Activities" and Figures 2 & 3.

Table 2 in the Appendix contains a summary of the differences between the ROD and the ROD Amendment, including costs. The final remedial cost for the Site was approximately $5,700,000.

Reuse/Development

In the spring of 2019, after reaching an agreement with the property owner of the Site, a cooperative of local businesses installed honey bee hives on the Site to facilitate honey making operations. There is currently no concern that these product processes could negatively impact the integrity of the consolidation cell. The owner of the property and the proprietors of the honey bee hives are aware of the restrictions specified in the institutional controls (EPA, 2019). The presence of honey bees should facilitate pollination and provide ecological benefits to the surrounding area. In November 2019, members from the National Resources Conservation Service, ODEQ, and other conservationist groups visited the Site to conduct a reconnaissance and discuss the viability of seeding pollinator flowers on a portion of the Site to the north of the consolidation cell.

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III. MONITORING RESULTS

The 2017 *Remedial Action Completion Report* documents the results of soil and sediment confirmation sampling of locations where waste was excavated and consolidated on-site. The sample results demonstrate that the Remedial Action Objectives have been met. Tables 3–1 through 3–7 in the *Remedial Action Completion Report* contain the results of these confirmation samples (BMcD, 2017c). The confirmation sampling results can be concisely described as the following:

Exceedances:

- Residential property #1 to the northwest—sidewall where owner denied access
- Southernmost excavation area at sidewalls where coal is co-mingled and located inside U.S. Department of the Interior jurisdiction
- Main site sidewalls where Watco railroad company denied access
- Area T-37 sediment and surface soil where worker safety and heavy equipment considerations posed unworkability challenges and future construction is impracticable

No Exceedances:

- Church property to the north
- Residential property #1 to the northwest at depth (where sampling was allowed)
- Residential property #2 to the west
- Main site at depth and sediment

All on-site surface water was dewatered during the remedial action. The ROD did not require groundwater cleanup as part of the RA; however, to ensure that consolidation cell wastes continue to be properly contained, groundwater monitoring has been conducted as part of Operation and Maintenance activities (see section "IV. Summary of Operation and Maintenance Required").

IV. SUMMARY OF OPERATION AND MAINTENANCE REQUIRED

The ROD required long-term Operation and Maintenance (O&M) requirements to be implemented by ODEQ due to the contaminated wastes and materials that will remain on-site. An O&M plan for the Site is in effect (ODEQ, 2018a). ODEQ is responsible for conducting O&M activities on an annual basis or more frequently, if necessary. Site operational and functional activities and the first quarter of O&M were conducted by Burns and McDonnell Engineering Company, Inc. until ODEQ took over Site O&M in January 2018.

Long-term groundwater monitoring of lead, arsenic, and cadmium (the COCs associated with the contents of the consolidation cell) is required to determine if a failure in consolidation cell integrity has allowed COCs to leach and impact Site groundwater. Since the start of O&M in October 2017, no COCs have exceeded Safe Drinking Water Act (SDWA) maximum contaminant levels (MCL) in tests for dissolved phase metals in groundwater monitoring wells. In tests for total metals concentrations, only one exceedance of such numerical limits has occurred in a downgradient well when not accompanied by a similar concentration in the

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upgradient/background well: a slight exceedance in April 2018 for total arsenic.

Additional O&M activities include Site inspections for erosion, unauthorized property uses, and enforcement of the ICs. O&M activity may also include maintenance of the slopes through grading, seeding, or importing of backfill as needed. Maintenance of these slopes will provide continued slope support, continued drainage control, and continued vegetative growth.

Institutional Controls

All administrative tools have been implemented at the Tulsa Fuel and Manufacturing Superfund Site. Engineering controls are currently in place and must be maintained to ensure the integrity and protectiveness of the remedy: erosion controls, capped soil, surface water runoff grading, groundwater monitoring wells, and perimeter fencing.

Two deed notices were filed with the Tulsa County Clerk in September 2017. The deed notice for the adjacent property to the north of the Site contains no restrictions, but instead states that remediation activities at the property have been completed to allow for unrestricted use. The other deed notice (Figure 3) restricts use of the consolidation cell area and the southeast strip of land known as Area T-37, which is adjacent to the Watco-owned railroad, and includes the following restrictions:

- Consolidation cell area
    - Restrict damage to cell cap
        - No digging
        - No activities that will cause erosion of the soil
        - No erection of buildings
    - No residential, daily care, or preK–12 uses
    - Protect continued monitoring of groundwater as an indicator of consolidation cell integrity
    - Fencing and warning signs must be maintained
- T-37 area
    - Commercial/industrial use only

The 2019 *Tulsa Fuel and Manufacturing Superfund Site First Five-Year Review Report* contains a copy of the deed notice with the restrictions listed above (EPA, 2019). There are no land use restrictions required by the TFM remedy on any areas other than the restricted areas described above. Other institutional controls exist within the City of Collinsville and the nearby community due to ongoing remediation work through ODEQ's Collinsville Soil Program. See the online *Institutional Controls Web Viewer* at ODEQ's Land Protection Division website to identify other ICs (ODEQ, 2019). ODEQ maintains and enforces these institutional controls.

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V. DEMONSTRATION OF CLEANUP ACTIVITY QUALITY ASSURANCE AND QUALITY CONTROL

The EPA and ODEQ have reviewed the remedial action contract and construction for compliance with quality assurance and quality control (QA/QC) protocols. Construction activities at the Site were determined to be consistent with the ROD and adhered to the approved quality assurance plan, which incorporated all EPA and State requirements. Confirmatory inspections, independent testing, audits, and evaluations of materials and workmanship were performed in accordance with the technical specifications and plans. The EPA Remedial Project Manager and State regulators visited the Site during construction activities to review construction progress, and to examine and evaluate the results of QA/QC activities. No deviations or non-conformances to QA/QC protocols or specifications were identified. Appendix J of the *Remedial Action Completion Report* documents the implementation of construction quality assurance stipulations (BMcD, 2017c).

The construction quality assurance plan and quality assurance project plan incorporated all EPA and State QA/QC procedures and protocols (BMcD, 2014 and RSI, 2015). All monitoring equipment was calibrated and operated in accordance with the manufacturers' instructions. EPA analytical methods were used for all confirmation and monitoring of samples during RA activities. Contract laboratory program-like procedures and protocol were followed for soil, sediments, and water analyses during the RA using a private laboratory; data quality was generated with QA/QC procedures sufficient to meet its intended purpose.

VI. FIVE-YEAR REVIEW

TFM five-year reviews are required by statute because hazardous substances, pollutants, or contaminants remain at the Site within the consolidation cell. The first five-year review was completed for the remedial actions in September 2019. The implemented action taken at the Tulsa Fuel and Manufacturing Superfund Site was found to be protective of human health and the environment. The five-year review presented no issues or recommendations to address. The protectiveness determination for the *Tulsa Fuel and Manufacturing Superfund Site First Five-Year Review Report* follows (EPA, 2019):

> "The remedy implemented at the Site is currently protective of human health and the environment. Areas of the Site where waste was left in place remain below uncontaminated soil and vegetation continues to grow. Institutional controls are in place to restrict use and access at the consolidation cell area."

The next five-year review will be performed in 2024.

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VII. SITE COMPLETION CRITERIA

The implemented remedy achieves the degree of cleanup or protection specified in the 2008 ROD and the 2015 ROD Amendment for all pathways of public health or environmental risk exposure. All selected removal and remedial action objectives and associated cleanup goals are consistent with agency policy and guidance. This Site meets all the Site completion requirements as specified in OSWER Directive 9320.2-22, *Close Out Procedures for National Priorities List Sites*. All remedial activities at the Tulsa Fuel and Manufacturing Superfund Site are complete and the Site poses no unacceptable risk to human health or the environment. The only remaining CERCLA activities to be performed at the Site are O&M, monitoring, upkeep of documents at the site repository, and five-year reviews. Therefore, EPA has determined that no further response is necessary at the Tulsa Fuel and Manufacturing Superfund Site.

Approved By:

WREN STENGER

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Wren Stenger
Director
Superfund and Emergency Management

Date

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APPENDIX

Figure 1 – Site Map

Figure 2 – TFM Zoning and Institutional Controls

Figure 3 – Area T-37 and Consolidation Cell Map from Institutional Control

Table 1 – Cleanup Levels for Chemicals of Concern

Table 2 – Comparison of the Differences between the 2008 ROD and 2015 ROD Amendment

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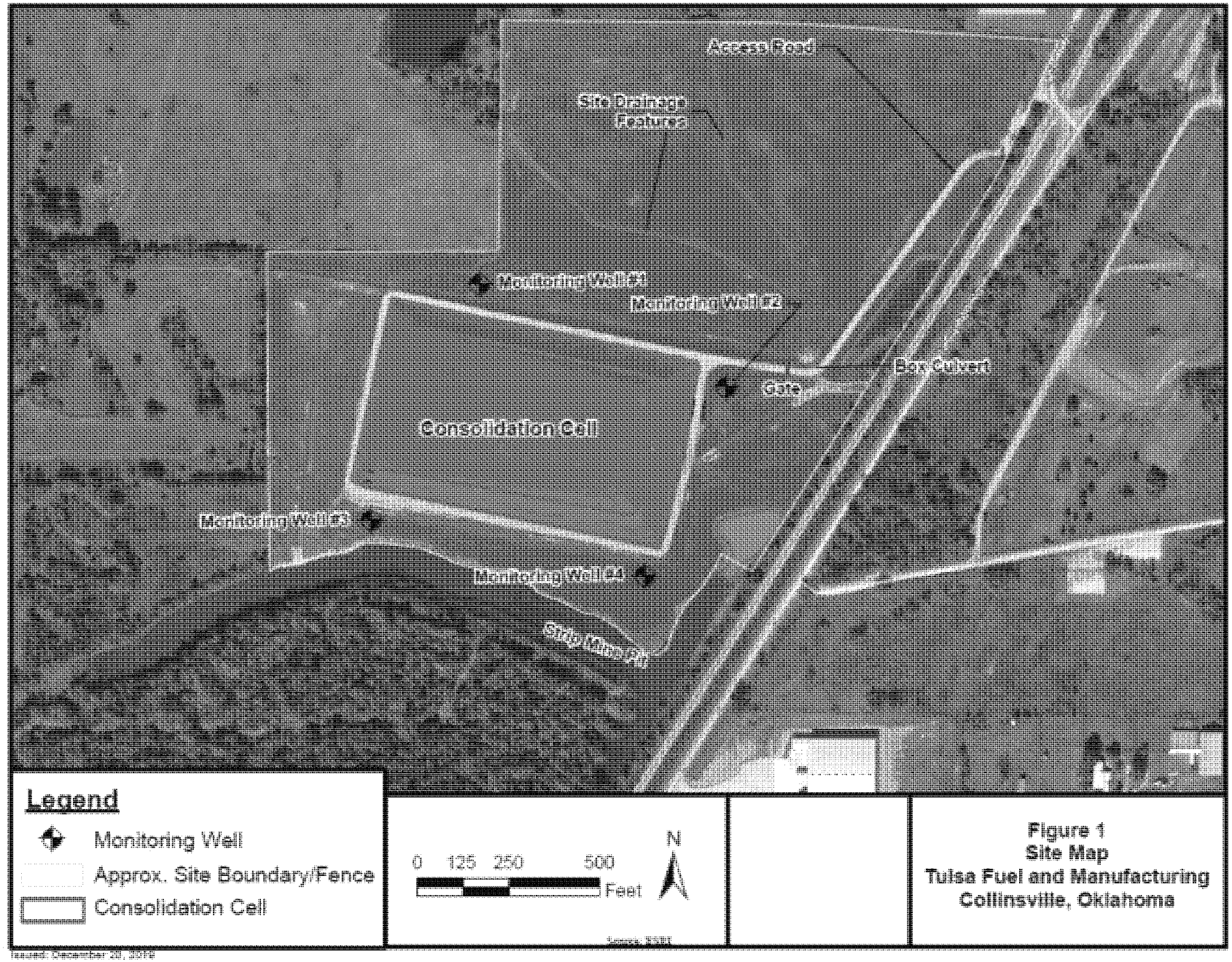

Figure 1
Site Map
Tulsa Fuel and Manufacturing
Collinsville, Oklahoma

Issued: December 28, 2016

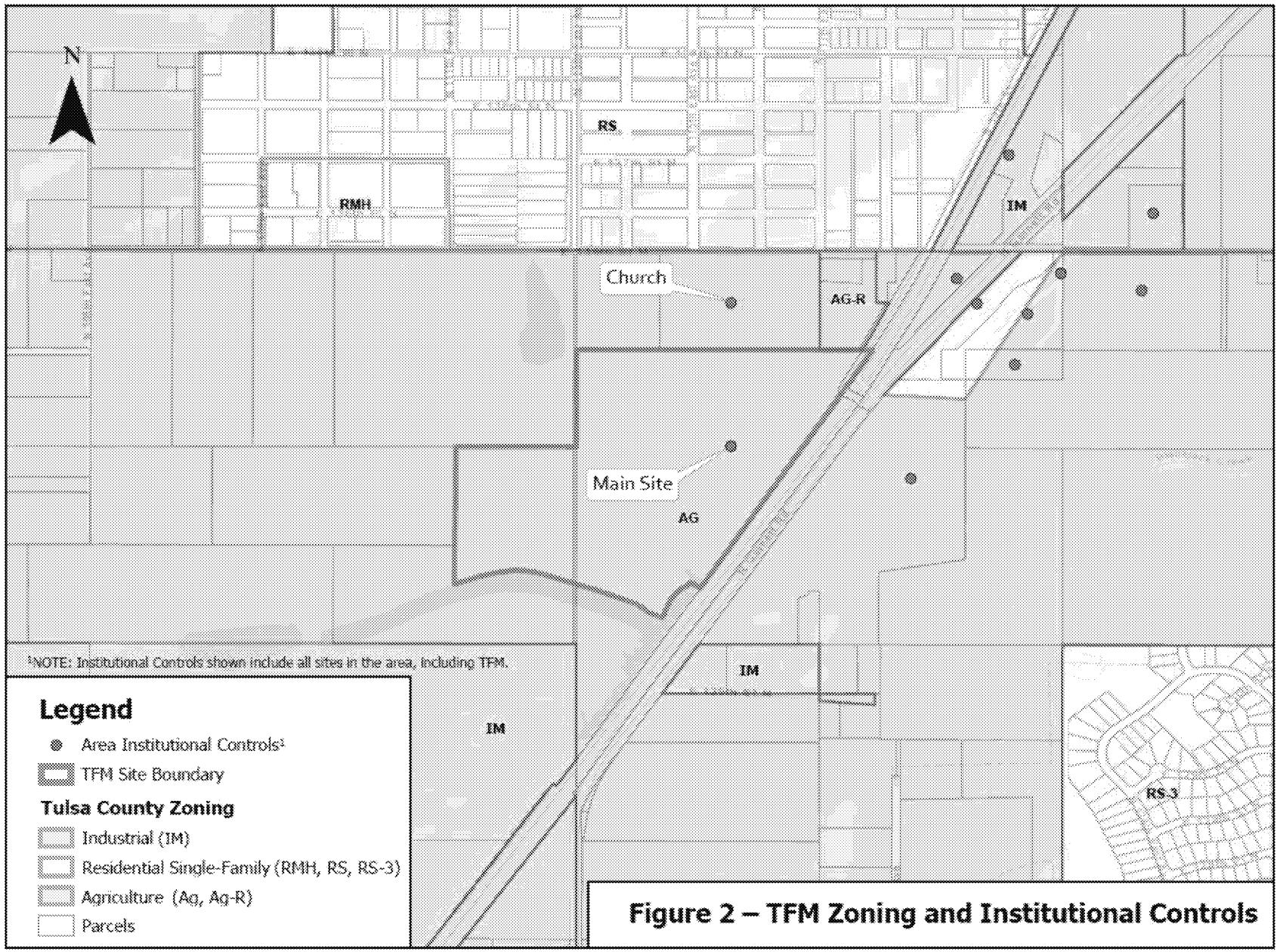

Figure 2 – TFM Zoning and Institutional Controls

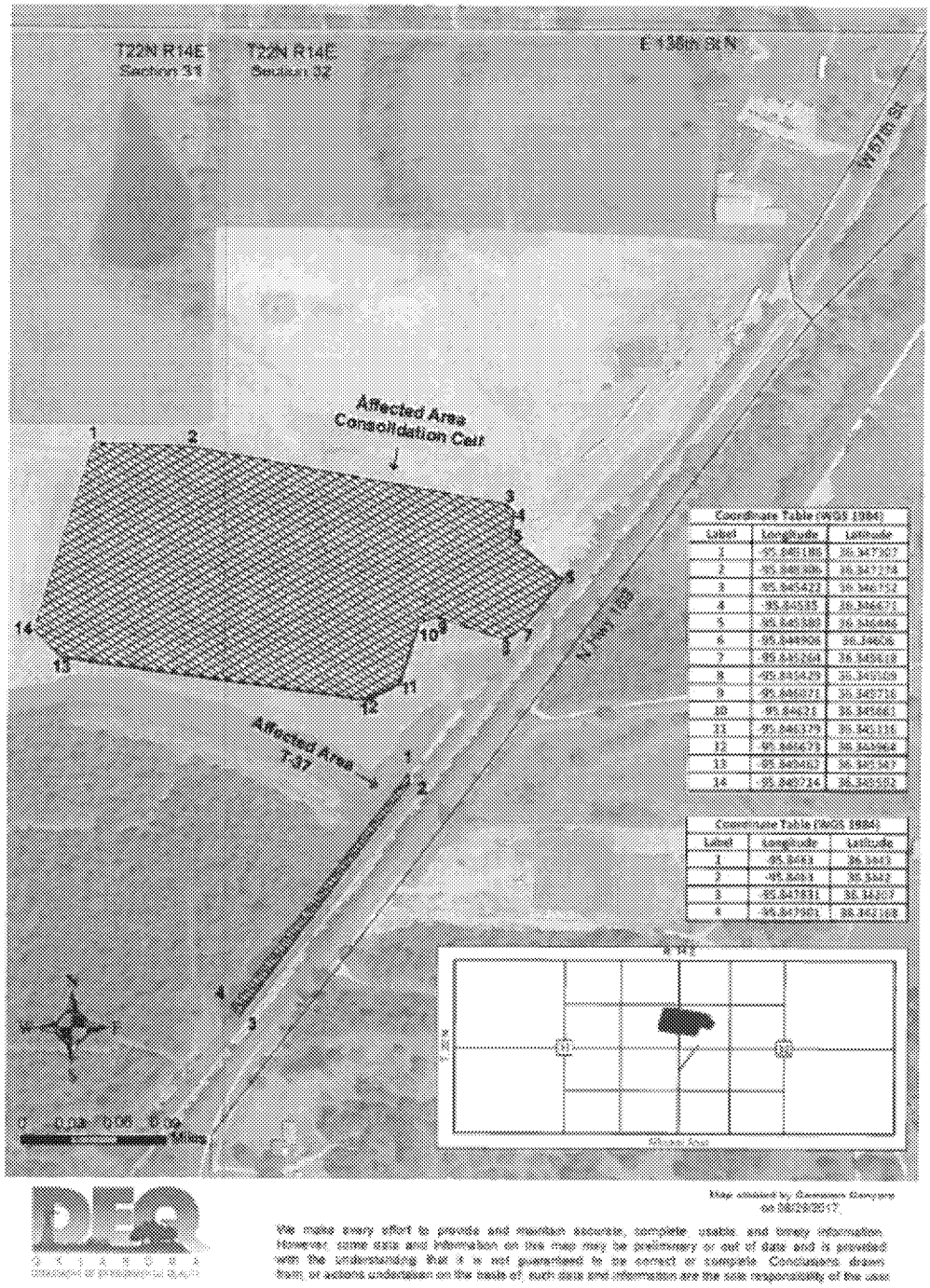

Figure 3 – Area T-37 and Consolidation Cell Map from Institutional Control

[2]Note – Figure 3 shows two areas of the site property that have further restrictions beyond agricultural zoning.

Table 1 – Cleanup Levels for Chemicals of Concern, Tulsa Fuel and Manufacturing Site			
Media: Soil **Site Area: On-Site Waste and Non-Waste Area** **Available Use: Residential**			
Chemical of Concern	**Cleanup Level** (mg/kg) or (ppm)	**Basis for Cleanup Level**	**Risk at Cleanup Level**
Arsenic	37	Human Health Risk Assessment	3.0E-05
Cadmium	75	Human Health Risk Assessment	3.0E-05
Lead	500	Human Health Risk Assessment	3.0E-05
Media: Soil **Site Area: On-Site Waste and Non-Waste Area** **Available Use: Non-Residential**			
Arsenic	200	Human Health Risk Assessment	3.0E-05
Cadmium	560	Human Health Risk Assessment	3.0E-05
Lead	1,000	Human Health Risk Assessment	3.0E-05
Media: Sediment **Site Area: On-Site Waste and Non-Waste Area** **Available Use: Residential/Non-Residential**			
Arsenic	181	Human Health Risk Assessment	3.0E-05
Cadmium	813	Human Health Risk Assessment	3.0E-05
Lead	500	Human Health Risk Assessment	3.0E-05
Media: Surface Water **Site Area: On-Site Waste and Non-Waste Area** **Available Use: Residential/Non-Residential**			
Chemical of Concern	**Cleanup Level** (µg/L) or (ppb)	**Basis for Cleanup Level**	**Risk at Cleanup Level**
Cadmium	238	Human Health Risk Assessment	3.0E-05
Reference: *EPA, 2008*			

Table 2 – Comparison of the Differences Between the 2008 ROD and 2015 ROD Amendment			
Component	**2008 ROD**	**2015 ROD Amendment**	**Difference**
State regulation requiring five-foot vertical separation	Maintain a minimum five-foot vertical separation between waste and ground water per OAC 252:515-11-3	Separating waste from ground water during RA activities is unnecessary as RD data confirm COCs are immobile underneath the Site and not present in the groundwater.	No minimum five-foot vertical separation
Treatment of sediment	The sediment will be dewatered and stabilized, and excavated for loading and transport to the consolidation area	Treatment of sediments prior to placement in the consolidation area is unnecessary as RD data show (1) the presence of a native high-plasticity and low-permeability clay underlying the on-site landfill naturally binds heavy-metals and restricts contaminant migration to the groundwater; (2) groundwater is not impacted and low-permeability clays provide a natural low-flow migration barrier preventing contaminant migration to the groundwater; (3) groundwater is present beneath the bottom of the waste material and does not intersect the waste material; and (4) waste has the potential to mobilize with treatment. Additionally, the on-site Subtitle D landfill 3-foot cover will further limit contaminant mobility through containment and restrict water infiltration.	No treatment of sediments

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 31, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

MEMORANDUM

SUBJECT: Clarification of Superfund Actions or Decisions in the Remedial Process that May Require Tribal Consultation

FROM: James E. Woolford, Director
Office of Superfund Remediation and Technology Innovation

DANA STALCUP Digitally signed by DANA STALCUP Date: 2020.03.31 16:30:18 -04'00'

TO: Regional Superfund and Emergency Management Division Directors

Purpose

The purpose of this memorandum is to provide clarification to identify the circumstances in the Superfund remedial process under which the Region should consider whether site-specific consultation with a federally-recognized Indian tribe (tribe) that has expressed interest in a Superfund site is appropriate. This memorandum is primarily intended for sites that are not federal facilities.[1] The 2011 *EPA Policy on Consultation and Coordination with Indian Tribes* (2011 Tribal Consultation Policy) "establishes national guidelines and institutional controls for tribal consultation across EPA." The 2011 Tribal Consultation Policy states EPA's intention "is to consult with tribes when EPA actions and decisions may affect tribal interests." According to EPA's *Consulting with Indian Tribal Governments at Superfund sites (a beginner's booklet)* (OSWER-9200.3-42; November 2006), "[c]onsultation generally consists of meaningful and timely communication between EPA officials and tribal government officials in developing Agency actions that affect tribes. Consultation means open sharing of information, the full expression of tribal and EPA views, and a commitment to consider tribal views in decision-making, and respect for tribal self-government and sovereignty." EPA is also required to provide written feedback to explain how the tribe's input was considered in the final action.

[1] At federal facility sites, the other federal agency (OFA) is the lead agency for consultation with interested tribes, and that process would follow the OFA's consultation policy. EPA may play a crucial role in coordination and facilitation in the consultation process at those sites.

Examples of Superfund actions or decision points where EPA may consider offering tribal consultation include but are not limited to:

- Site proposals, finalizations to, and deferrals from the National Priorities List (NPL);
- Remedial investigation/feasibility studies (RI/FS);
- The development of proposed plans and decision documents including Records of Decision (RODs), ROD Amendments, Explanations of Significant Differences (ESDs), and Engineering Evaluation/Cost Analyses (EE/CAs); and
- Full or partial site deletions from the NPL.

In addition, consistent with the 2011 Tribal Consultation Policy, when tribal officials request consultation, EPA should attempt "to honor the tribal government's request with consideration of the nature of the activity, past consultation efforts, available resources, timing considerations, and all other relevant factors."

Background

In January 2019, the U.S. Government Accountability Office (GAO) issued a final report, *EPA Should Improve the Reliability of Data on National Priorities List Sites Affecting Indian Tribes* (GAO-19-123). The report: (1) examined the extent to which EPA has reliable data identifying National Priorities List (NPL) sites that are located on tribal property or that affect tribes; (2) examined the extent to which EPA has reliable data on the agency's consultation with tribes regarding NPL sites; and (3) described the actions EPA has taken to address the unique needs of tribes when making decisions about NPL cleanup actions. Although the report recognized the significant work that EPA already performs in collaborating and coordinating with tribes in the Superfund process, the report also recommended that OSRTI clarify agency guidance regarding tribal consultation for the Superfund program to clearly identify the circumstances under which the agency should consider consulting with tribes. In response, EPA committed to issuing a memorandum to the Regions that clarifies those points in the Superfund process under which regions may consider site-specific tribal consultation.

As identified by the Office of International and Tribal Affairs Superfund FAQ for the Tribal Consultation Opportunity Tracking System (TCOTS), there may be multiple points in the Superfund remedial process where EPA takes action or makes decisions that may be appropriate for consultation. EPA tracks all tribes with "Native American Interest" in a site in the Superfund Enterprise Management System (SEMS). (Please see Chapter V of the *Superfund Program Implementation Manual* for more information on associating a tribe to a site.) The Region should consider offering consultation to any tribes who are known to have interest in the site although not all tribes interested in a site may be impacted by each Agency action or decision at the site.

As stated above, the action or decision points in the Superfund process that necessitate tribal consultation may include:

- Site proposals, finalizations to, and deferrals from the NPL:
  A decision about whether a site is added to the NPL may have implications in terms of the remediation process, funding for the work, and tribal involvement in the cleanup at the site.

- RI/FS:
  Although the RI/FS process is not a discrete action or decision point, many of the components of the RI/FS process (such as the conceptual site model, human health and/or ecological risk assessments, use of traditional ecological knowledge[2], identification of historic cultural resources,[3] and scoping of remedial alternatives) have important implications for later decisions such as identifying applicable or relevant and appropriate requirements, establishing cleanup goals, and selecting a remedy. Thus, it may be appropriate to obtain formal tribal input on critical components of the RI/FS. The need for consultation during this stage should be determined based on site-specific circumstances as well as the level of coordination with tribes that has already occurred to this point.
- The development of proposed plans and decision documents including RODs, ROD Amendments, ESDs, and EE/CAs:
  Decision documents and any proposed plans that lead to them are important decision point milestones at a Superfund site that will determine both the level to which the contamination will be cleaned up and the remedy components that will be used. It may be possible that if the Region consults with a tribe on the proposed plan, additional consultation on the ROD that comes from it may not be necessary.
- Full or partial site deletions from the NPL:
  Deletion from the NPL is a decision point indicating EPA believes that no further response is required to protect human health or the environment. (It should be noted that even if a site is deleted from the NPL, there may be ongoing remedy operation and maintenance, monitoring, and/or five-year reviews at the site, so continued coordination and possible later consultation with a tribe may still be necessary.)

Ultimately, the region will determine whether consultation is necessary or appropriate at each of these points or at other site milestones based on the site circumstances and the tribes that are involved at the site. According to the 2011 Tribal Consultation Policy, "The final decision on consultation is normally made after examining the complexity of the activity, its implications for tribes, time and/or resource constraints, an initial identification of the potentially affected tribe(s), application of the mechanisms for identifying matters for consultation…and interaction with tribal partnership groups and tribal governments." Therefore, the decision to consult with a tribe at any given point in the Superfund remedial process must be made by the Remedial Project Manager in consultation with regional management and the regional Superfund Tribal Coordinator[4] and in accordance with the 2011 Tribal Consultation Policy.

A tribe may decline an offer of consultation. Nevertheless, all completed consultations and declined offers of consultation must be documented in TCOTS at tcots.epa.gov. Although repeated consultation with a tribe may be necessary throughout the Superfund process, each consultation should focus on a single site-specific action or decision and have a discrete start and

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[2] See *Consideration of Tribal Treaty Rights and Traditional Ecological Knowledge in the Superfund Remedial Program* (OLEM 9200.2-177)

[3] Refer to Section 106 of the National Historic Preservation Act (36 CFR 800) for requirements for consultation with Tribal Historic Preservation Officers concerning the potential for an adverse impact from remedial decisions at Superfund sites that are located on tribal land or when a tribe attaches religious or cultural significance to the historic property, regardless of the property's location. This may include pre-contact ancestral lands.

[4] For the Superfund Tribal Coordinator in your region, please see: https://www.epa.gov/superfund/remedial-program-indian-country

end date. A TCOTS entry should document a single consultation, not encompass repeated consultation efforts and continual coordination that occurs over the life of a Superfund site.

If you have any questions, please contact the OSRTI Tribal Coordinators, Christine Poore (poore.christine @epa.gov or 703-603-9022) or Amanda Van Epps (vanepps.amanda@epa.gov or 703-603-8855).

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United States Environmental Protection Agency

May 2015

CONSULTATION AND COORDINATION WITH FEDERALLY RECOGNIZED INDIAN TRIBES

EPA Region 6
Consultation and Coordination Procedures

Office of Environmental Justice and Tribal Affairs
1445 Ross Avenue, Suite 1200, Dallas, TX 75202
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Introduction

Purpose and Scope

EPA's National Tribal Consultation Policy is to consult on a government-to-government basis with federally recognized Tribal governments when EPA actions and decisions may affect a Tribe. The *EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011)* ("EPA Tribal Consultation Policy") establishes national guidelines and institutional controls for consultation across EPA. The Region 6 Tribal Consultation and Coordination Procedures ("Procedures") are consistent with the agency-wide consultation policy, but include more specific guidelines for the consultation process to increase the effectiveness of working with Tribes in Region 6.

These Procedures do not supersede any EPA agency-wide consultation policies or procedures, or those developed by individual Tribes. These Procedures do not replace individual EPA-Tribal memoranda of agreement, consultation plans, Tribal Environmental Agreements (TEAs), or other specific agreements between Region 6 and a Tribe or Tribes. These Procedures do not apply to the Region 6 formal civil enforcement process or consultations initiated by EPA Headquarters. Primary guidance on consultation on civil compliance monitoring and enforcement actions is found in the *Guidance on the Enforcement Priorities Outlined in the 1984 Indian Policy, Questions and Answers on the Tribal Enforcement Process* and the *Region 6 Guidance on Compliance Monitoring,* and *Compliance Assistance, and Civil Enforcement at Tribal Facilities*.

For Tribal consultation regarding Superfund activities, discuss with the Region 6 Tribal Consultation Advisor as early as possible. Additional information is available in *Consulting with Indian Tribal Governments at Superfund Sites: A Beginner's Booklet* at http://www.epa.gov/superfund/partners/osrti/booklet_text.htm. This supplemental information does not supersede the EPA Tribal Consultation Policy or these Procedures.

Definitions

EPA's National Tribal Consultation Policy provides the following definitions:

Consultation is a process of meaningful communication and coordination between EPA and Tribal officials that begins prior to EPA taking actions or implementing decisions that may affect Tribes. As a process, consultation includes several methods of interaction that may occur at different levels.

Tribal Consultation Advisors **(TCAs)** are the in-office subject matter experts that assist staff and management in the implementation of the EPA Tribal Consultation Policy. TCAs assist in identifying matters appropriate for consultation and prepare summary information on consultation activities and provide it to AIEO. TCAs receive and provide advice within their respective program offices and regions on what actions may be appropriate for consultation. TCAs also serve as a point-of-contact for EPA staff, Tribal governments, and other parties interested in the consultation process. For Region 6, the TCA is the Office of Environmental Justice and Tribal Affairs Director or Designee.

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1. The Consultation Process

Tribal Consultation may commence when Tribal officials request consultation as well as when EPA identifies matters appropriate for consultation. EPA honors the Tribal government's request with consideration of the nature of the activity, past consultation efforts, available resources, timing considerations, and all other relevant factors. The appropriate level of interaction initiated by Region 6 is determined by past and current practices, with adjustments made as needed consistent with the EPA Tribal Consultation Policy.

Tribal Consultation at EPA consists of four phases:

- Identification
- Notification
- Input
- Follow-up

1.1 Identification Phase

During the identification phase, EPA identifies activities that may be appropriate for consultation. The identification phase should include a determination of the complexity of the activity, its potential implications for Tribes, and any time and/or resource constraints relevant to the consultation process. This phase should also include an initial identification of the potentially affected Tribe(s).

A wide range of EPA Region 6 activities are appropriate for consultation under the EPA Tribal Consultation Policy. Regional activities may include the development of regulations, rules, permits, guidance documents, policies, directives, budget and priority planning development, legislative comments, civil enforcement and compliance monitoring actions, response actions and emergency preparedness, state or Tribal authorizations or delegations, and EPA activities in implementation of United States' obligations under an international treaty or agreement. The EPA Tribal Consultation Policy makes clear that certain actions, such as legislative comments and EPA's enforcement authorities, may be subject to policy and time constraints. EPA Region 6 defines "actions" as regulatory or policy decisions, but not necessarily every step taken within a decision-making process.

1.1.2 Activities Not Subject to Consultation

Routine administrative and staff-to-staff level interactions occur between EPA Region 6 and Tribal government employees on a regular basis. The EPA Tribal Consultation Policy is not intended to apply to these regular, ongoing interactions. These include grantee-project officer discussions, requests for publically available information, grant funding decisions, review of progress reports, programmatic evaluations with the Tribe and other routine communications. In addition, there are some areas of EPA Region 6's operations that are not appropriate for consultations. These include strictly internal Agency operations (activities and decisions related to staffing, personnel, and human capital management; oversight of contractor performance under Agency-issued contracts; administration of the Agency's working capital funds, etc.). This also includes areas where the Agency lacks discretion (e.g., congressionally mandated time lines, actions, or other requirements; Agency response to court orders; and privileged or confidential Agency activities).

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1.2 Notification Phase

Once the appropriate EPA Region 6 Division and TCA determine that consultation is warranted, EPA Region 6 shall send a letter to the appropriate Tribal government(s) either offering to consult or initiating consultation. The notification phase should precede any public comment period associated with the proposed activity by at least 30 days. EPA Region 6 strives to notify a Tribe or Tribes of the opportunity to consult as early as possible to enhance meaningful discussion.

1.2.1 EPA Consultation Outreach

Once the appropriate EPA Region 6 Division and TCA determine that an action may affect a Tribe(s), EPA Region 6 shall send a letter notifying Tribal government(s) of the opportunity to consult with EPA.

Invitations To Consult (Notification): Working with the TCA, the appropriate Division/ program staff will draft an invitation letter to the Tribal leader(s) for the Division Director's signature, with the TCA's concurrence.

The letter should:

- Be addressed to the Tribal Leader, with a copy to the Tribe's program staff, and bcc to the appropriate Division and the TCA;
- Be signed by the appropriate Division Director or the Regional Administrator;
- Describe the issue at hand clearly, avoiding or clearly defining legal and technical terms and acronyms;
- Provide maps, technical data, and other explanatory or supporting information as appropriate and available;
- Relay process timelines and schedule considerations;
- Identify the EPA Region 6 point of contact whom the Tribe may contact to seek additional information;
- Request that the Tribe(s) respond in writing to the Division or TCA, within a specified timeframe indicating whether or not the Tribe(s) wants to pursue consultation and indicate that if no response is received, EPA will assume the Tribe has declined consultation;
- If appropriate, request the Tribe(s) identify an official representative who will serve as the Tribal point of contact for planning the consultation and/or coordination activities and authority to speak on behalf of the Tribe during the consultation, if not Tribal leadership;
- Include summary factsheet with brief statement of action to enable Tribal environmental staff to brief Tribal leadership as appropriate.

***Response To Request For Consultation*:** In cases where a Tribe has addressed a letter to the Regional Administrator requesting consultation, the appropriate Division/program staff, in coordination with the TCA, will draft a response letter for the Regional Administrator's signature. The Division should circulate that letter for review, comment and concurrence by the TCA, External Affairs and the appropriate Division Director, and Office of Regional Counsel.

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The letter should:

- Be addressed to the Tribal Leader with a copy to the Tribe's program staff (e.g. Environmental Director);
- Have the concurrences of the TCA, OEJTA Director, Division Director, External Affairs and the Regional Counsel;
- Be signed by the Regional Administrator;
- If requested, provide maps, technical data, and other explanatory or supporting information as appropriate and available;
- Relay process timelines and schedule considerations;
- Identify the EPA Region 6 point of contact whom the Tribe may contact to seek additional information;
- If appropriate, request that the Tribe (s) identify an official representative who will serve as the Tribal point of contact for planning the consultation and/or coordination activities and may also be able to speak on behalf of the Tribe during the consultation, if not Tribal leadership

1.2.2 Consultation with Small Number of Tribes

When EPA Region 6 has determined that consultation is appropriate and that more than one Tribe may be affected, the appropriate Division and TCA shall work together to develop an approach to consultation. The same protocol above will be applicable in addition to terms to be negotiated, depending on available resources, which may include:

- Whether the consultation will be conducted in a meeting, conference calls, or other appropriate interactions depending upon specific circumstances involved;
- The timing and location (s) of the interactions;
- The overall goal or desired outcome of the consultation for each party;
- What issues related to the proposed action will be the focus of the consultation;
- Representatives that will participate on behalf of EPA Region 6 and the Tribe; and
- Timetable for the consultation (e.g., start and end dates of the consultation period, anticipated meeting dates, and other dates relevant to the EPA action such as public comment periods).

1.2.3 Consultation with All or Large Number of Tribes

When a larger group of Tribes or all Tribes in EPA Region 6 could potentially be affected by an action, a notification letter engaging those Tribes in consultation is extended to the large group of Tribes or all Tribes in EPA Region 6 in accordance with section 1.2.1 above. EPA Region 6 will work to ensure consultations carried out with all or a large number of Tribes are done in a mutually agreeable and meaningful method, including but not limited to centralized locations in areas close to many of the Tribes.

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1.2.5 If a Tribe(s) Declines to Consult

If a Tribe(s) indicates it does not wish to consult on a particular matter, EPA consultation efforts are normally concluded. This does not relieve EPA Region 6 of any trust responsibility it may have or the obligation to reinitiate consultation efforts in the future if changes warrant such action.

The TCA will enter the relevant data into the Tribal Consultation Opportunities Tracking System (TCOTS) for tracking purposes. Enforcement and compliance issues where a Tribe is a respondent will not be entered in TCOTS .

1.3 Input Phase

During the Input Phase, tribes provide input to EPA Region 6 on the consultation matter. This phase may include a range of interactions including written and oral communications including exchanges of information, phone calls, meetings, and other appropriate interactions depending upon the specific circumstances involved.

1.3.1 Coordination

Working in coordination with the TCA, regional and Tribal staff discuss consultation meeting logistics such as location, date, time, agenda items and expected attendees from EPA and the Tribe. Additionally, information needs related to the issue being consulted on should be identified, such as the dissemination of technical documents such as maps or monitoring data, legislative notices, judicial decisions or orders, and other relevant information. Informal outreach like websites, webinars, Tribal organizational meetings and Tribal conferences may be used to further discussions of issues as part of the consultation process to ensure Tribes have adequate information to formulate a position; however, such informal communications do not constitute or substitute for consultation with Tribal governments. There may also be occasions where EPA Region 6 coordinates with other EPA regions on consultations with Tribes that may have concerns across more than one region.

1.3.2 Consultation

Open dialogue between the Region and the Tribe(s) is expected during the input phase. Technical staff from the Region may also be available to answer questions directly from Tribal leadership during the consultation.

During Consultation
EPA Region 6 and the Tribe:

- Discuss how the action originated;
- Discuss how the Tribe may be impacted;
- Identify any technical and/or funding assistance that the Region may be able to provide, if relevant;
- EPA listens to the input from the Tribe and considers effects of the proposed action through a meaningful dialogue with Tribal leadership and

Following the initial consultation meeting and to the extent allowed by law, EPA Region 6 will take Tribal comments and concerns under consideration and work to address these issues. This may include the need to undertake subsequent rounds of consultation to address unresolved questions, provide additional technical information, update the Tribe on significant changes in the originally proposed activity, or to address new issues that may arise.

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1.4 Follow-Up Phase

During the follow-up phase, EPA Region 6 provides feedback to the Tribe(s) involved in the consultation to explain how their input was considered in the final action.

1.4.1 Considering Tribal Input

The Division Director and staff, in collaboration with the TCA and Office of Regional Counsel, will consider the Tribal input, weighing how program decisions can or should address the concerns raised by a Tribe or Tribes. To the fullest extent allowed by law and policy, EPA Region 6 will incorporate the input of the Tribe(s).

1.4.2 Responding to Tribal Concerns and Closing out the Consultation Process

A written response to the concerns raised by the Tribe(s) during consultation should be drafted by the Division, with concurrence by the TCA and the Office of Regional Counsel (if necessary), and signed by the appropriate Division Director, or the Regional Administrator when appropriate. For consultations requiring subsequent meetings, the written response will identify any follow up action items resulting from the meeting. The response letter will explain how EPA Region 6 considered the input from the Tribe(s) in its final decision.

For issues or concerns that are beyond the scope or subject matter of the consultation, a response acknowledging the issues or concerns should be included. This response letter will be sent to the Tribal leader or the Tribe's designated representative for the consultation, with a copy to the TCA.

2. Documentation and Reporting

2.1 Division

The Division Lead maintains digital and paper project or site files for each consultation, which may include:

- Letters or emails inviting Tribe(s) to consult and responses from Tribe(s) or follow-up actions by EPA Region 6;
- Consultation schedule, fact sheets, issues list, agenda for consultation meeting(s);
- Notes from any meetings, conference calls, webinars, or video conferences, including names of all participants for the Tribe(s) and EPA Region 6;
- EPA Region 6's written responses to concerns raised by the Tribe(s) throughout the consultation process; and
- Close out letter(s) explaining EPA Region 6's final decision on consultation.

Digital copies of all consultation correspondence shall also be stored in the EPA Region 6 Tribal Consultation folder located on the regional share drive.

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2.2 Required Reporting

As outlined in the EPA Tribal Consultation Policy, EPA American Indian Environmental Office (AIEO) submits annual progress reports to the Office of Management and Budget in June of each year on the status of the consultation process and actions on which consultation occurred, as well as plans for consultation on Agency actions in the coming year.

To facilitate submission of the annual progress reports, EPA Region 6 is required to provide a report of anticipated consultations by October 1 and April 1 of each year using the Tribal Consultation Opportunities Tracking System. This requirement is pursuant to the November 5, 2009 Presidential Memorandum directing all executive departments and agencies to develop a detailed plan of action to implement Executive Order 13175, Consultation and Coordination with Indian Tribes. Tribal consultations will be entered in the Tribal Consultation Opportunities Tracking System (TCOTS) by the TCA and tracked accordingly until conclusion of the consultation[1]. The TCA will also maintain internal records for consultation invitations not accepted by the Tribe(s) but that were offered. Each EPA Region 6 Division that participates in consultation activities must provide (in a form to be agreed upon by the Division Director and TCA) a list of potential or projected consultations to the TCA by September 1 and March 1 of each year. After management review and approval, the TCA submits the semi-annual consultation plans to AIEO.

3. Historical or Archaeological Resources

These procedures do not govern or necessarily relate to consultations that may occur with a Tribe pursuant to other statutes regarding historical or archaeological resources. For example, consultations pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA) will be conducted in accordance with the requirements of that statute and implementing regulations. EPA understands that consultations under NHPA or other laws such as the Native American Graves Protection and Repatriation Act of 1990 or the National Environmental Policy Act (NEPA) may have requirements that overlap with a consultation under the EPA Tribal Consultation Policy. In these instances, EPA program staff should also work with the Region 6 Tribal law advisor/cross-cutting law attorney to ensure that Tribal consultations are conducted in a way that ensures compliance with any additional federal statutory requirements for protected resources.

[1] Certain compliance monitoring and enforcement activities are not included in TCOTs.

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Region 6 Consultation and Coordination Process

IDENTIFICATION PHASE

Region 6 or Tribe(s) Identify Actions Which May Affect a Tribe or Tribes

Division/ Program and TCA Identify Actions

Tribe Identifies Action or Issues and Requests Consultation

Coordination with Tribes, Partnerships & Workgroups (e.g. RTOC)

NOTIFICATION PHASE

Region 6 notifies Tribes of proposed EPA action and opportunity to consult on the action OR responds to Tribe's request for consultation.

Division and TCA Develop Consultation Notification, Plan and Timeline

Notification Includes

- Point of Contact
- Factsheet and background info on Agency activity/action
- Anticipated Time Frame for Process
- Maps, technical information or other appropriate supporting information

INPUT PHASE

EPA Engages With Interested Tribes through Consultation

- Conference Calls
- In-Person Meeting
- Other preferred method

- Coordination and information among EPA and Tribal staff throughout process
- May include more than one meeting

FOLLOW UP PHASE

EPA Follows Up With Letter to Consulting Tribes on Final Agency Decision and How Tribes' Input Considered

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Federally Recognized Indian Tribes of EPA Region 6

Louisiana

Chitimacha Tribe of Louisiana
Coushatta Tribe of Louisiana
Jena Band of Choctaw Indians
Tunica-Biloxi Indians of Louisiana

Texas

Alabama-Coushatta Tribe of Texas
Ysleta del Sur Pueblo of Texas
Kickapoo Traditional Tribe of Texas

New Mexico

Pueblo of Acoma
Pueblo of Isleta
Jicarilla Apache Nation
Pueblo of Laguna
Pueblo of Nambe
Pueblo of Pojoaque
Pueblo of Santa Ana
Pueblo of San Ildefonso
Pueblo of Santa Clara
Pueblo of Tesuque
Zuni Tribe
Pueblo of Cochiti
Pueblo of Jemez
Pueblo of Santo Domingo
Mescalero Apache Tribe
Pueblo of Picuris
Pueblo of Sandia
Pueblo of San Felipe
Ohkay Owingeh
Pueblo of Taos
Pueblo of Zia

Oklahoma

Absentee-Shawnee Tribe
Apache Tribe
Cherokee Nation
Chickasaw Nation
Citizen Potawatomi Nation
Delaware Nation
Eastern Shawnee Tribe
Iowa Tribe
Kialegee Tribal Town
Kiowa Indian Tribe
Modoc Tribe
Osage Nation
Ottawa Tribe
Peoria Tribe of Indians
Quapaw Tribe
Seminole Nation
Shawnee Tribe
Tonkawa Tribe of Indians
Wichita and Affiliated Tribes
Alabama-Quassarte Tribal Town
Caddo Nation
Cheyenne and Arapaho Tribes
Choctaw Nation
Comanche Nation
Delaware Tribe of Indians
Fort Sill Apache Tribe
Kaw Nation
Kickapoo Tribe
Miami Tribe
Muscogee (Creek) Nation
Otoe-Missouria Nation
Pawnee Nation
Ponca Tribe of Indians
Sac & Fox Nation
Seneca-Cayuga Tribe
Thlopthlocco Tribal Town
United Keetoowah Band of Cherokee
Wyandotte Nation

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Tulsa Fuel and Manufacturing NPL Superfund Site Deletion Tribal Consultation
Cherokee Nation and U.S. EPA Region 6
June 3, 2020
2:30 –3:15pm CDT
Conference Number: 210-469-3886 Code 953 668 452

Agenda

- Welcome
- Introductions
- Opening Remarks, Goals for this Meeting – Secretary of Natural Resources Chad Harsha and Regional Administrator Ken McQueen
- Overview of Action
- Discussion Items
  - Future plans for waste identification from the Collinsville and Tulsa Fuel and Manufacturing Sites located off the TFM site.
  - Potential impacts to legal claims resulting from delisting of the site.
  - Criteria for determining tribal participation in the Tribal Consultation Process for Superfund sites.
  - Elements of the Superfund delisting process that provides input from the general public residing in communities located near site.
- Next Steps

Cherokee Nation Attendees:
Chad Harsha, Secretary of Natural Resources
Wayne Isaacs, Senior Director, Environmental Programs

U.S. Environmental Protection Agency Region 6 Attendees
Ken McQueen, Regional Administrator
David Gray, Deputy Regional Administrator
Stephen Tatum, Chief of Staff
Wren Stenger, Director, Superfund and Emergency Management Division
Arturo Blanco, Director, Office of Communities, Tribes and Environmental Assessment
Lisa Price, Deputy Director, Superfund and Emergency Management Division
Gerardo Acosta, Staff Director, Office of Communities, Tribes and Environmental Assessment
John Meyer, Remedial Branch Chief, Superfund and Emergency Management Division
Blake Atkins, Section Chief, Superfund and Emergency Management Division
I-Jung Chiang, Superfund Branch Chief, Office of Regional Counsel
Tina Alvarado, Tribal Law Advisor, Office of Regional Counsel
Elizabeth Pletan, Superfund Branch, Office of Regional Counsel
Randy Gee, Team Leader, Office of Communities, Tribes and Environmental Assessment

Appointment

From: Gee, Randy [Gee.Randy@epa.gov]
Sent: 7/13/2020 6:25:33 PM
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Subject: Regional Tribal Operations Committee (RTOC) Meeting
Attachments: Region 6 RTOC Report-July 2020.pdf; July Virtual RTOC Meeting Agenda_FULL CAUCUS_July 22 2020 (revised).pdf
Location: Microsoft Teams Meeting

Start: 7/22/2020 2:00:00 PM
End: 7/22/2020 10:00:00 PM
Show Time As: Tentative

Recurrence: Daily
every day from 2:00 PM to 4:00 PM
Required Attendees: (unknown property type)
Optional Attendees: rschlottke@sctribe.com; swolfe@sctribe.com; Heim, Angela; Mills, Theresa; Kathy Welch; Welton, Patricia; McGuire, James; Lopez, Samuel; Brown, Jamesr; Fontenot, Alison; Bobay, Lia; R6 WD-PN; Surampudi, Ravi

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+1 210-469-3886 United States, San Antonio (Toll)

Conference ID: 884 396 894#

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Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Superfund and Emergency Management Division

TRIBAL CONSULTATION AND COORDINATION

VARIOUS REMOVAL/REMEDIAL ISSUES

Tulsa Fuel and Manufacturing, Collinsville, OK (NPL Deletion): EPA is currently working to complete the final stages of the Tulsa Fuel and Manufacturing site deletion process. Cherokee Nation Secretary Harsha requested formal consultation to discuss the decision to delete the site from the National Priorities List, and this request was conducted via conference call on June 3, 2020 and memorialized in a June 15, 2020 close out letter. The Notice of Intent to Delete (NOID) is expected to be published in the Federal Register in July 2020 to solicit public review and comment for thirty days. Pending review of public comments, a final Notice of Deletion would be published in September 2020. ***John Meyer 214-665-6742***

Ex. 5 Deliberative Process (DP)

ED_005584A_00039891-00020

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Deegan, Dave [Deegan.Dave@epa.gov]
Sent: 10/10/2018 1:39:42 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Szaro, Deb [Szaro.Deb@epa.gov]; Olson, Bryan [Olson.Bryan@epa.gov]; Barmakian, Nancy [Barmakian.Nancy@epa.gov]; Cianciarulo, Robert [Cianciarulo.Bob@epa.gov]; Connelly, Terrence [Connelly.Terry@epa.gov]; R1 OPA [R1_OPA@epa.gov]
CC: Madore, David [David.Madore@maine.gov]
Subject: Union Chemical SF press release at 10:15AM Today

Hi All,

The Union Chemical SF Site deletion PR will go to reporters at approximately 10:15 this morning. The preview email of the news release is below.

DD.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dave Deegan
U.S. EPA, New England Regional Office
Office of Public Affairs
Media Relations | Social Media | Web Content
phone: 617.918.1017 | Ex. 6 Personal Privacy (PP)
email: *deegan.dave@epa.gov*

From: US EPA New England Region [mailto:noreply-subscriptions@epa.gov]
Sent: Wednesday, October 10, 2018 9:31 AM
To: Deegan, Dave <Deegan.Dave@epa.gov>
Subject: EPA Completes Clean Up Actions and Removes Maine Site from National Superfund List

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT:
David Deegan (News Media Only)
deegan.dave@epa.gov
(617) 918-1017

FOR IMMEDIATE RELEASE
October 10, 2018

EPA Completes Clean Up Actions and Removes Maine Site from National Superfund List

Union Chemical Company Superfund Site Deleted from National Priorities List

BOSTON – The U.S. Environmental Protection Agency has removed the Union Chemical Company Superfund Site from the National Priorities List ("NPL," commonly referred to as Superfund). Located in Hope, Maine, the Site has been the subject of EPA and State of Maine investigations and cleanup activities since it was added to the NPL Superfund list in 1989.

EPA and the State of Maine have determined that all appropriate Superfund-financed responses under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), have been implemented and that no further cleanup by responsible parties is appropriate for the Site.

"EPA is intently focused on making substantial and meaningful progress cleaning up Superfund Sites," said EPA New England Regional Administrator Alexandra Dunn. **"Delisting the Union Chemical Company Site from the Superfund list is an important milestone that marks the completion of many years of cleanup work, collaboration across many levels of government and private parties, and will now allow for future planning."**

"MaineDEP appreciates the substantial work done by EPA throughout this process," said Maine DEP Commissioner Paul Mercer. **"The collaborative approach with responsible parties and EPA made these accomplishments possible and we look forward to returning this property to a productive use in the near future."**

Long-term monitoring will continue to assure that remedial actions conducted at the site to date continue to be protective of public health and the environment. This deletion does not preclude future actions under Superfund if warranted.

Background:

Once all response actions are complete and all cleanup goals have been achieved or waived, a site becomes eligible for deletion from the NPL. EPA held a 30-day public comment period on the proposal to delete the Union Chemical Company Superfund Site from the NPL, and the decision to finalize the removal of this site from the NPL responds to the comments received.

EPA's decision to remove the Union Chemical Site from the NPL is based on work spanning many years. The facility's buildings and storage containers were successfully decontaminated and disposed of off-site, the soil cleanup actions successfully met the soil cleanup goals, and extensive testing concluded no off-site impacts from the facility's operations. In all, it has been estimated that the soil and groundwater cleanup efforts have removed approximately 95 percent of the site's contamination. However, after multiple remedial attempts, including both standard and innovative technologies employed to reduce the groundwater contamination, EPA determined in 2013 that it was technically impracticable to restore groundwater at the Site fully to drinking water quality. While EPA's cleanup actions have dramatically reduced contamination of the groundwater, in 2013 EPA, after consultation with the State and the local community, issued a Record of Decision (ROD) Amendment that called for a deed restriction on the property for future uses at the Site that would not rely on drinking water sourced from the groundwater.

More information on past work to assess and cleanup the Union Chemical Superfund Site is available at: http://www.epa.gov/region1/superfund/sites/union

# # #

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If you would rather not receive future communications from U.S. EPA, Region 1, let us know by clicking here.
U.S. EPA, Region 1, 5 Post Office Square - Suite 100, Boston, MA 02109-3912 United States

Appointment

From: Calvino, Maria Soledad [Calvino.Maria@epa.gov]
Sent: 10/13/2020 10:16:28 PM
To: Busterud, John [Busterud.John@epa.gov]; Poalinelli, Edwin [POALINELLI.EDWIN@EPA.GOV]; Barton, Dana [Barton.Dana@epa.gov]; Canteenwala, Eric [Canteenwala.Eric@epa.gov]; Goloubow, Ron@Waterboards [Ron.Goloubow@Waterboards.ca.gov]; John.Wolfenden@waterboards.ca.gov; Alec.Naugle@waterboards.ca.gov; Wright, Peter [wright.peter@epa.gov]
CC: Alpern, Michael [Alpern.Michael@epa.gov]; Ty, Fatima [Ty.Fatima@epa.gov]; Gallo, Madeline [Gallo.Madeline@epa.gov]; Fuoco, Angie [Fuoco.Angie@epa.gov]

Subject: JASCO Site Deletion Press Event
Location: Microsoft Teams Meeting

Start: 10/15/2020 5:20:00 PM
End: 10/15/2020 6:00:00 PM
Show Time As: Tentative

Required Attendees: Busterud, John; Poalinelli, Edwin; Barton, Dana; Canteenwala, Eric; Goloubow, Ron@Waterboards; John.Wolfenden@waterboards.ca.gov; Alec.Naugle@waterboards.ca.gov; Wright, Peter
Optional Attendees: Alpern, Michael; Ty, Fatima; Gallo, Madeline; Fuoco, Angie

Hello,
The press conference will start at 10:30am PT. Please arrive ten minutes before the event starts so we can go over the event flow and any last-minute details.
Thank you,

Soledad Calvino
Press Officer | Office of Public Affairs
U.S. Environmental Protection Agency | Region 9
calvino.maria@epa.g
Office 415.972.3512 Ex. 6 Personal Privacy (PP)

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Appointment

From: Calvino, Maria Soledad [Calvino.Maria@epa.gov]
Sent: 10/13/2020 6:57:04 PM
To: Calvino, Maria Soledad [Calvino.Maria@epa.gov]; Busterud, John [Busterud.John@epa.gov]; Poalinelli, Edwin [POALINELLI.EDWIN@EPA.GOV]; Barton, Dana [Barton.Dana@epa.gov]; Canteenwala, Eric [Canteenwala.Eric@epa.gov]; Goloubow, Ron@Waterboards [Ron.Goloubow@Waterboards.ca.gov]; John.Wolfenden@waterboards.ca.gov; Alec.Naugle@waterboards.ca.gov; Wright, Peter [wright.peter@epa.gov]
CC: Alpern, Michael [Alpern.Michael@epa.gov]; Ty, Fatima [Ty.Fatima@epa.gov]; Gallo, Madeline [Gallo.Madeline@epa.gov]; Fuoco, Angie [Fuoco.Angie@epa.gov]; Hage, Christopher [hage.christopher@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]

Subject: JASCO Site Deletion Press Event
Location: Microsoft Teams Meeting

Start: 10/15/2020 5:20:00 PM
End: 10/15/2020 6:00:00 PM
Show Time As: Busy

Required Attendees: Busterud, John; Poalinelli, Edwin; Barton, Dana; Canteenwala, Eric; Goloubow, Ron@Waterboards; John.Wolfenden@waterboards.ca.gov; Alec.Naugle@waterboards.ca.gov; Wright, Peter
Optional Attendees: Alpern, Michael; Ty, Fatima; Gallo, Madeline; Fuoco, Angie; Hage, Christopher; Munoz, Charles; Manzanilla, Enrique

Hello,
The press conference will start at 10:30am PT. Please arrive ten minutes before the event starts so we can go over the event flow and any last-minute details.
Thank you,

Soledad Calvino
Press Officer | Office of Public Affairs
U.S. Environmental Protection Agency | Region 9
calvino.maria@epa.gov
Office 415.972.3512 | Mobile Ex. 6 Personal Privacy (PP)

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Message

From: Chancellor, Erin [redacted]
Sent: 7/5/2018 12:50:38 PM
To: Jim Woolford (Woolford.James@epa.gov) [Woolford.James@epa.gov]; Dana Stalcup (Stalcup.Dana@epa.gov) [Stalcup.Dana@epa.gov]; Lois Gibbs [redacted] Jen Hovis (Hovis.Jennifer@epa.gov) [Hovis.Jennifer@epa.gov]; Sands, Charles [Sands.Charles@epa.gov]
Subject: FY18 Deletion Status
Attachments: SF Deletion Status.docx

Hey y'all,

Still waiting for R3, R4, and R8 to get back to me, but here's where we're at (I think). Talked to Steven and Ryan Jackson about it on Tuesday. Does this look right to y'all?

Thanks,

Erin E. Chancellor
Counsel to the Administrator
U.S. Environmental Protection Agency
(202) 566-1757 (office)
(Ex. 6 Personal Privacy (PP)
chancellor.erin@epa.gov

FY18 Deletion Updates

Region 1

Union Chemical Co., Inc. – Maine

- Status: Going to Fed. Reg. week of 7/9/18. Should be good to go.
- Step 8: Region obtains RA signature & submits package to Fed. Reg. package to OP FR team.

Old Southington Landfill – Connecticut

- Status: OSRTI sent to R1 on 7/3/18. R1 says should get it through.
- Step 7: OSRTI Office Director concurrence sent to RA.

Region 2

Fulton Terminals – New York

- Status: Should go through. Deletion effective 7/20/18.
- Step 10: Final NPL deletion, if still appropriate after comments received. Effective date is a minimum of 60 days after Fed. Reg. publication.

Region 3

Ordnance Works Disposal Areas – West Virginia

- Status: Should go through. Fed. Reg. comment period closes 7/20/18.
- Step 10: Final NPL deletion, if still appropriate after comments received. Effective date is a minimum of 60 days after Fed. Reg. publication.

Dorney Road Landfill – Pennsylvania

- Status: OSRTI deletion concurrence 5/24/18. NOID/NOD signed by RA on 6/20/18. **NEED UPDATE FROM R3 ON STATUS.**
- Step 8 – Region obtains RA signature & submits package to Fed. Reg. package to OP FR team.

Recticon/Allied Steel Corp. – Pennsylvania

- Status: OSRTI deletion concurrence 5/24/18. NOID/NOD signed by RA on 6/20/18. **NEED UPDATE FROM R3 ON STATUS.**
- Step 8: Region obtains RA signature & submits package to Fed. Reg. package to OP FR team.

Region 4

Whitehouse Oil Pits – Florida

- Status: OSRTI deletion concurrence 3/9/18. Need RA signature then Region send to Fed. Reg. **NEED UPDATE FROM R4 ON STATUS.**
- Step 8: Region obtains RA signature & submits package to Fed. Reg. package to OP FR team.

Davis Timber Company – Mississippi

- Status: OSRTI deletion concurrence 5/24/18. Need RA signature then Region send to Fed. Reg. **NEED UPDATE FROM R4 ON STATUS.**
- Step 8: Region obtains RA signature & submits package to Fed. Reg. package to OP FR team.

Reasor Chemical Company – North Carolina

- Status: Region to assemble the deletion docket in the Federal Docket Management System. **NEED UPDATE FROM R4 ON STATUS.**
- Step 6: Deletion docket assembled in Federal Docket Management System (regulations.gov).

FY18 Deletion Updates

Region 4 (con't)

Milan Army Ammunition Plant – Tennessee

- Status: ICs required before deletion. Region is accelerating getting those in place, but must be done by state and local government. Potential to be done for FY18, but state/locals in lead. **NEED UPDATE FROM R4 ON STATUS.**
- Step 5: State concurrence on deletion.

Region 5

Beloit Corp. – Illinois

- Status: RA has signed. Region needs to send to Fed. Reg.
- Step 8: Region obtains RA signature & submits package to Fed. Reg. package to OP FR team.

Naval Industrial Reserve Ordnance Plant – Minnesota

- Status: RA has signed. Region needs to send to Fed. Reg.
- Step 8: Region obtains RA signature & submits package to Fed. Reg. package to OP FR team.

Peters Cartridge Factory – Ohio

- Status: OSRTI deletion concurrence 7/2/18. Need RA signature then send to Fed. Reg.
- Step 8: Region obtains RA signature & submits package to Fed. Reg. package to OP FR team.

Tomah Armory LF – Ohio

- Status: Region received state concurrence. Working on deletion package to send to HQ.
- Step 5: State concurrence on deletion.

Region 6

South Valley – New Mexico

- Status: Concurrence is ready to go. Region is currently working to assemble the deletion docket in the Federal Docket Management System. The record is large and takes several days.
- Step 6: Deletion docket assembled in Federal Docket Management System (regulations.gov).

Old Esco – Texas

- Status: Need state concurrence, which is working through management at the TCEQ. Region to assemble the deletion docket in the Federal Docket Management System after receiving concurrence.
- Step 4: HQ reviews/comments on draft NOID/NOD; Region revises to address comments.

Region 7

Omaha Lead – Nebraska

- Status: Should go through. Fed. Reg. comment period closes 7/26/18.
- Step 10: Final NPL deletion, if still appropriate after comments received. Effective date is a minimum of 60 days after Fed. Reg. publication.

FY18 Deletion Updates

Region 8

Davenport & Flagstaff Smelters – Utah

- Status: Should go through. Fed. Reg. comment period closes 7/5/18.
- Step 10: Final NPL deletion, if still appropriate after comments received. Effective date is a minimum of 60 days after Fed. Reg. publication.

Eureka Mills – Utah

- Status: Issue with FYR and R8 may need to go back and do more sampling.
- Step 4: HQ reviews/comments on draft NOID/NOD; Region revises to address comments.

Jacobs Smelter – Utah

- Status: Region needs to submit information and forms for OSRTI lead consultation. **NEED UPDATE FROM R8 ON STATUS.**
- Step 4: HQ reviews/comments on draft NOID/NOD; Region revises to address comments.

Idaho Pole Company – Montana

- Status: HQ/Region worked with MT re: dioxin. Decision made to do more sampling. Call scheduled next week to discuss sampling, then proceed to partial deletion. RPM needs to prepare NOID/NOD. **NEED UPDATE FROM R8 ON STATUS.**
- Step 3: Region prepares draft NOID/NOD (or partial NOID/NOD).

Libby Asbestos Site – Montana

- Status: State concurrence issue. Going back and forth on who is responsible for O&M. OSRTI has not seen any documents from the region. **NEED UPDATE FROM R8 ON STATUS.**
- Step 0: Deletion process not yet begun.

Vasquez Boulevard & I-70 – Colorado

- Status: OSRTI received lead consultation information on 7/2/18 & will move quickly on next step.
- Step 0: Deletion process not yet begun.

Denver Radium

- Status: Was on the list, but took it off for FY18, because projected to not meet ROD requirements until 2025. Potential for partial deletion in more near future. Region issue. **NEED UPDATE FROM R8 ON STATUS.**
- Step ?: Not on list for FY18.

Region 10

Frontier Hard Chrome, Inc. – Washington

- Status: Fed. Reg. comment period closed 6/20/18. NOD being prepared.
- Step 10: Final NPL deletion, if still appropriate after comments received. Effective date is a minimum of 60 days after Fed. Reg. publication.

Message

From: Wright, David W [David.W.Wright@maine.gov]
Sent: 5/25/2018 7:25:32 PM
To: Connelly, Terrence [Connelly.Terry@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Hewett, Rebecca L [Rebecca.L.Hewett@maine.gov]
Subject: Maine DEP Concurs with Delisting Union Chem Co in S. Hope, ME
Attachments: SHope_UCC-DEPconcurDelete-NPL-052518.pdf

Terry, thanks for all your efforts on moving this site to where it is ready to delete from the NPL – nice milestone. Hard copy is in the mail. Have a great weekend.

David Wright
Director of the Division of Remediation
Maine Department of Environmental Protection
207-446-4366 (cell)
www.maine.gov/dep

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

May 25, 2018

Ms. Alexandra Dunn
Regional Administrator
EPA New England, Region 1
5 Post Office Square
Mailcode: ORA
Boston, MA 02109-3912

Re: Concurrence Letter - Notice of Intent to Delete
Union Chemical Company Superfund Site, South Hope, Maine

Dear Regional Administrator Dunn:

The Maine Department of Environmental Protection (MEDEP) concurs with the proposed deletion of the Union Chemical Company Superfund Site located in South Hope, Maine, (Site) from the National Priorities List, pursuant to §300.425(e)(1) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This concurrence follows our review of the U.S. Environmental Protection Agency's (EPA) pre-final Notice of Intent to Delete the Site. As documented in the Notice of Intent to Delete, the Responsible Parties for the Site have completed all appropriate response actions that were specified in the Record of Decision (ROD) finalized by EPA on December 27, 1990, as modified by three Explanation of Significant Differences (dated June 30, 1994, September 25, 1997 and September 28, 2001) and the ROD Amendment dated November 27, 2013.

MEDEP notes that per §300.425(e)(3) of the NCP, the deleted Site would still be eligible for future Fund-financed remedial actions if warranted by changes in site conditions.

Congratulations on meeting this important milestone for the Site.

Sincerely,

Melanie Loyzim for

Paul Mercer
Commissioner

cc: Rebecca Hewett, MEDEP, Project Manager
Terry Connelly, USEPA, Project Manager

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

website: www.maine.gov/dep

Message

From: Bloomberg BNA [bloomberglaw@bna.com]
Sent: 9/12/2019 12:45:39 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Sep. 12 -- EHS Federal Regulatory Alert

-->

Bloomberg Environment

EHS Federal Regulatory Alert

September 12, 2019 - Number 177

Summaries

AIR
New Hampshire SIP/Single-Source RACT Requirements
AIR

Final rule of the EPA approves revisions to the New Hampshire SIP regarding single-source orders that were adopted to meet reasonably available control technology (RACT) requirements. The revisions include new and revised nitrogen oxide single-source orders for the Schiller station and Anheuser Busch. The revisions also include new and revised volatile organic compound single-source orders for Metal Works Inc., Polyonics Inc., and Complete Coverage Woodpriming LLC. In addition, the revisions withdraw RACT orders for L.W. Packard Co., Groveton Paperboard Co., Hampshire Chemical Co., Waterville Valley Ski Resort, and Concord Litho Group. The rule is effective Oct. 15, 2019. Contact: Bob McConnell; EPA, Air and Radiation Division; 617-918-1046; mcconnell.robert@epa.gov. Citations: 40 CFR 52.1520, 52.1525

84 FR 48068 (09/12/2019)

Regulatory Update

ENDANGERED SPECIES
Colorado and Utah/Graham's and White River Beardtongue
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the reopening of the comment periods for two Aug. 6, 2013, proposed rules (78 FR 47590 and 47831) that would list the Graham's beardtongue and White River beardtongue, two species of perennial plant native to Colorado and Utah, as threatened and designate critical habitat. The proposed rules, which were withdrawn Aug. 6, 2014 (79 FR 46041), are being reinstated in response to a Dec. 18, 2017, court order. The agency also announces that it will reevaluate the status of both species to determine if they are endangered, threatened, or not warranted for listing. The agency also requests new information regarding the species that has become available since publication of the 2013 proposed rules. Comments now are due Oct. 15, 2019. Contact: Larry Crist; FWS, Utah Ecological Services Field Office; 801-975-3330. Citations: 50 CFR 17.12, 17.95

84 FR 48090 (09/12/2019)

Regulatory Update

ENDANGERED SPECIES

Florida/Scrub-Jay Incidental Take Permit

ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application from KBC Development for a 10-year incidental take permit for the endangered Florida scrub-jay. The applicant proposes take of the species incidental to the construction of an industrial/warehouse development located on a 20.6-acre parcel in Volusia County, Fla. The applicant also proposes to mitigate for take of the species by contributing $208,447 to the Florida Scrub-Jay Conservation Fund administered by the Nature Conservancy prior to engaging in project activities. The agency has issued a preliminary determination that the proposed permit and habitat conservation plan qualify for categorical exclusion under the National Environmental Policy Act. Comments are due Oct. 15, 2019. Contact: Erin Gawera; FWS; 904-731-3121; erin_gawera@fws.gov

84 FR 48168 (09/12/2019)

Regulatory Update

FOOD SAFETY

FDA Science Board Meeting

FOOD SAFETY

Notice of the FDA announces a meeting of the Science Board's Advisory Committee. The agenda includes a response from the Center for Biologics Evaluation and Research (CBER) to recommendations made by the board's review of CBER's research program. The agenda also includes discussions of any relevant published studies that have become available since the 2011 Foods Advisory Committee meeting that change the state of knowledge regarding connections between children's consumption of food containing color additives and hyperactivity or other behavioral effects. The meeting is scheduled for Oct. 7, 2019, in Silver Spring, Md., and via webcast. Comments are due Sept. 30, 2019. Contact: Rakesh Raghuwanshi; FDA, Office of the Commissioner; 301-796-4769; rakesh.raghuwanshi@fda.hhs.gov

84 FR 48150 (09/12/2019)

Regulatory Update

FOOD SAFETY

New Animal Drugs/Zero-Day Withdrawal Periods and Milk Discard Times

FOOD SAFETY

Notice of the FDA announces an extension of the comment period for an Aug. 9, 2019, notice (84 FR 39340) requesting comments on current industry practice regarding transit times to slaughter for food-producing animals, milking frequency, and how end users interpret zero-day withdrawal period or zero-day milk discard time statements found on new animal drug labeling. The agency requests comments on the minimum amount of time food producing animals spend in transit to a slaughter facility and the minimum holding time at a slaughter facility, the milking frequencies that commercial dairy operations commonly use, and how end users of new animal drugs interpret labeling that has "zero-day withdrawal period" or "zero-day milk discard time" or that states "no withdrawal period or milk discard time is required." Comments now are due Jan. 6, 2020. Contact: Charli Long-Medrano; FDA, Center for Veterinary Medicine; 240-402-0850; Charli.Long-Medrano@fda.hhs.gov

84 FR 48150 (09/12/2019)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Endocrinologic and Metabolic Drugs Advisory Committee Meeting

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting of the Endocrinologic and Metabolic Drugs Advisory Committee to discuss a supplemental new drug application (SNDA 202057/S-035) for Vascepa capsules for oral administration, submitted by Amarin Pharma Inc. The proposed indication is an adjunct to statin therapy in adult patients with elevated triglycerides levels and other risk factors for cardiovascular disease to reduce the risk of cardiovascular events. The meeting is scheduled for Nov. 14, 2019, in Silver Spring, Md. Comments are due Oct. 30, 2019. Contact: Jay Fajiculay; FDA, Center for Drug Evaluation and Research; 301-796-9001; EMDAC@fda.hhs.gov

84 FR 48152 (09/12/2019)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
FDA Approved Information Collections
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces OMB approval of ten information collection requests. The collections address mitigation strategies to protect food against intentional adulteration; standards for the growing, harvesting, packing, and holding of produce for human consumption; and safety labeling changes for certain prescription drugs and biological products. The collections also address the monitoring of clinical investigations under a guidance for industry intended to assist sponsors with developing strategies for risk-based monitoring and plans for clinical investigations of human drugs, biological products, and medical devices, or any combination of such products. In addition, the collections address lists of U.S. manufacturers and processors interested in exporting products regulated by the Center for Food Safety and Applied Nutrition to countries that require such lists to be maintained, the accreditation of third-party certification bodies to conduct food safety audits of eligible foreign food facilities and to issue food and facility certifications, and the voluntary notification procedure for food substances generally recognized as safe. Finally, the collections address reporting associated with new animal drug applications and veterinary master files, disease awareness and prescription drug promotion communications on television, and the de novo classification process. Contact: Ila Mizrachi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov

84 FR 48151 (09/12/2019)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Louisiana, Texas/Louisiana Connector Extension Project

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to prepare an environmental impact statement for the Louisiana Connector Extension Project in Louisiana and Texas. The applicant, Port Arthur Pipeline LLC, requests authorization to construct and operate a natural gas infrastructure project to provide approximately 2.5 billion standard cubic feet per day of natural gas to supply a previously approved natural gas liquefaction and export project in Jefferson County, Texas. Meetings are scheduled for Sept. 23, 24, 25, and 26, 2019, in Winnsboro, Sulphur, Kinder, and Alexandria, La., respectively. Comments are due Oct. 7, 2019. Contact: FERC; 866-208-3676; FercOnlineSupport@ferc.gov

84 FR 48133 (09/12/2019)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

North Carolina/Wilmington Harbor Navigation Improvement Project

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Army Corps of Engineers to prepare an environmental impact statement to support review of an integrated feasibility study and environmental report prepared by the North Carolina State Ports Authority for the Wilmington Harbor Navigation Improvement Project in Brunswick and New Hanover counties in North Carolina. The proposed project would accommodate larger cargo vessels and improve the efficiency of cargo vessel operations at Wilmington Harbor and the Port of Wilmington. The feasibility study will be reviewed by the Assistant Secretary of the Army for Civil Works to determine if it complies with federal law and regulations for water resource development projects. Comments are requested, but a due date is not specified. Contact: Emily Hughes; USACE, Wilmington District; 910-251-4635; Emily.b.hughes@usace.army.mil

84 FR 48131 (09/12/2019)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Presidential Memorandum/Council on Environmental Quality Order of Succession

GENERAL ENVIRONMENT AND SAFETY

Notice of the Executive Office of the President announces a memorandum to provide the order of succession for the chairman of the Council on Environmental Quality (CEQ) in the event that the chairman is unable to perform the functions and duties of the office. The memorandum provides that the CEQ's chief of staff, general counsel, and associate directors will succeed the chairman, in that order. The memorandum revokes a Jan. 13, 2017, memorandum on the same topic. The memorandum is dated Sept. 6, 2019.

84 FR 48227 (09/12/2019)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Schedules I and II Controlled Substances 2020 Aggregate Production Quotas

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Drug Enforcement Administration to establish the 2020 aggregate production quotas for controlled substances in Schedules I and II and an assessment of annual needs for list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The agency intends to adjust aggregate production quotas for numerous controlled substances and chemicals to provide for estimated medical, scientific, research, and industrial needs; lawful export requirements; and the establishment and maintenance of reserve stocks. The quotas include imports of ephedrine, pseudoephedrine, and phenylpropanolamine but do not include imports of controlled substances for use in industrial processes. Comments are due Oct. 15, 2019. Contact: Scott Brinks; DEA, Diversion Control Division; 202-598-6812. Citations: 21 CFR 1303.11, 1315.12, 1315.32, 1315.34

84 FR 48170 (09/12/2019)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Wyoming/Belle Butte Natural Gas Storage Facility

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request under blanket authorization by Spire Storage West LLC for authorization to convert two existing observation wells to injection/withdrawal usage and construct related flowlines at its Belle Butte natural gas storage facility in Uinta County, Wyo. The applicant claims that the project will optimize the injection and withdrawal network at the Belle Butte Storage Field to function at its

currently certified injection and withdrawal capabilities. FERC will complete an environmental assessment or issue a notice of schedule of environmental review by Dec. 5, 2019. Comments, protests, and motions to intervene are due Nov. 5, 2019. Contact: FERC, Office of External Affairs; 886-208-3676; FERCOnlineSupport@ferc.gov

84 FR 48135 (09/12/2019)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Hours of Service of Drivers/Restart Provisions
HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Federal Motor Carrier Safety Administration revises the hours-of-service requirements for drivers of property-carrying commercial motor vehicles (CMV) to remove provisions of a Dec. 27, 2011, final rule (76 FR 81134) that require a 34-hour restart to include two periods between 1 a.m. and 5 a.m. and limit its use to once every 168 hours. The provisions are obsolete because they were suspended by Congress in 2014. The rule is effective Sept. 12, 2019. Contact: Richard Clemente; FMCSA; 202-366-4325; MCPSD@dot.gov. Citations: 49 CFR 395.3

84 FR 48077 (09/12/2019)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Iowa/Electro-Coatings Superfund Site
HAZARDOUS WASTE CLEANUP

Final rule of the EPA deletes the Electro-Coatings Inc. Superfund Site in Cedar Rapids, Iowa, from the National Priorities List (NPL). The EPA and the Iowa Department of Natural Resources have determined that all appropriate response actions under CERCLA have been completed. The deletion does not preclude future actions at the site under Superfund. The rule is effective Sept. 12, 2019. Contact: Amer Safadi; EPA Region 7; 913-551-7825; safadi.amer@epa.gov. Citations: 40 CFR 300, Appendix B

84 FR 48077 (09/12/2019)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Petitions for Modification of Mine Safety Standards

OCCUPATIONAL SAFETY AND HEALTH

Notice of the Mine Safety and Health Administration announces the receipt of a petition to modify the application of existing mandatory safety standards for miners. The petitioner, Rock N Roll Coal Co., requests modification of standards to waive the requirement for blow-off dust covers for nozzles on the beltline deluge-type water spray system. Comments are due Oct. 15, 2019. Contact: Roslyn Fontaine; Labor Department, Office of Standards, Regulations, and Variances; 202-693-9440; fontaine.roslyn@dol.gov. Citations: 30 CFR 75.1101-1

84 FR 48178 (09/12/2019)

Regulatory Update

OIL AND GAS INDUSTRY

Interstate Natural Gas Pipelines/Flow Reporting

OIL AND GAS INDUSTRY

Notice announces the intention of FERC to seek OMB approval for a continuing information collection request regarding reporting of flow volume and capacity by interstate natural gas pipelines (FERC-551). The collection requires pipeline owners and operators to post information on their websites concerning the availability and prices of natural gas and natural gas transportation. Comments are due Nov. 12, 2019. Contact: Ellen Brown; FERC; 202-502-8663; DataClearance@FERC.gov. Citations: 18 CFR 284.13

84 FR 48137 (09/12/2019)

Regulatory Update

PESTICIDES

Pesticide Tolerances/Pyraflufen-Ethyl

PESTICIDES

Final rule of the EPA establishes tolerances for residues of the herbicide pyraflufen-ethyl in or on cottonseed; certain small vine climbing, stone, and tropical and subtropical fruit; dried hops, tree nuts; and tuberous and corm vegetables. The rule also removes existing tolerances on undelinted cotton seed, grapes, stone fruit, tree nuts, olives,

pistachios, and potatoes. The rule is effective Sept. 12, 2019. Objections and hearing requests are due Nov. 12, 2019. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.585

84 FR 48071 (09/12/2019)

Regulatory Update

RADIATION

Domestic Licensing of Byproduct Material

RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB concerning domestic licensing of byproduct material. The collection addresses the application, renewal, reporting, and recordkeeping requirements for licensees to possess, use, or transfer byproduct material. Comments are due Oct. 15, 2019. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; infocollects.resource@nrc.gov. Citations: 10 CFR 30

84 FR 48184 (09/12/2019)

Regulatory Update

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Bloomberg EHS Federal Regulatory Alert

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 1/14/2019 10:17:39 PM
To: Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]; Memmott, Justin (EPW) [Justin_Memmott@epw.senate.gov]; Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]
CC: TROY M. LYONS (lyons.troy@epa.gov) [lyons.troy@epa.gov]
Subject: per conversation this morning
Attachments: agency reform.pdf; air water land chemicals.pdf; regions.pdf; misc.pdf; children's health.pdf; accomplishments1.pdf; 2018.12.05 Center for Biological Diversity Response Letter to EPA.PDF; OPP FOIA Overview and Statistics for OCSPP IO.DOCX; Acting Administrator Wheeler.pdf

All – attached are simply draft formats presently, but are reports back to you on accomplishments and milestones from this past year. Please let me know if you think they would be useful.

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pri
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to FOIA requests.

Ex. 5 Deliberative Process (DP)

Finally, EPA used funding flexibilities approved by OMB to stay open after the lapse in appropriations on Dec 21. EPA was able to stay open across the board for another week. This allowed EPA employees to leave their holiday plans undisrupted until they returned either on Dec 31 or after New Years. In a lapse of appropriations, exempted employees generally must return to work. This was not something we wanted our employees to have to deal with during the holidays AND it allowed EPA employees to received half a pay check on Jan 11. Half a pay check is not a whole one to be sure, but EPA employees received something on Jan 11 when other agencies which were not able to stay open past Dec 21 did not even receive half a pay check.

I hope this helps respond. Thanks.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Ex. 5 Deliberative Process (DP)

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LAND: Revitalizing Land for Reuse

Superfund

Over the past year, EPA has made major strides across the board on Superfund site remediation and program reform. In FY 2018, the Agency deleted all or part of 22 sites from Superfund's National Priorities List (NPL), the largest number of deletions in one year since FY 2005.

NPL Deletions:

1. C & D Recycling, Foster Township, Pennsylvania
2. Davenport and Flagstaff Smelters, Sandy, Utah
3. Davis Timber Company, Hattiesburg, Mississippi
4. Dorney Road Landfill, Upper Macungie Township, Pennsylvania
5. Eureka Mills, Eureka, Utah
6. Frontier Hard Chrome, Inc., Vancouver, Washington
7. Fulton Terminals, Fulton, New York
8. Hatheway & Patterson, Mansfield, Massachusetts
9. Nutting Truck & Caster Co., Faribault, Minnesota
10. Old Esco Manufacturing, Greenville, Texas
11. Old Southington Landfill, Southington, Connecticut
12. Ordnance Works Disposal Areas, Morgantown, West Virginia
13. Reasor Chemical Company, Castle Hayne, North Carolina
14. Recticon/Allied Steel Corp., East Coventry Township, Pennsylvania
15. Union Chemical Co., Inc., South Hope, Maine
16. Vancouver Water Station #1 Contamination, Vancouver, Washington
17. Vancouver Water Station #4 Contamination, Vancouver, Washington
18. Whitehouse Oil Pits, Whitehouse, Florida

Partially Deleted Sites:

1. Naval Industrial Reserve Ordnance Plant, Fridley, Minnesota
2. Omaha Lead in Omaha, Nebraska
3. Pacific Coast Pipe Lines, Fillmore, California
4. Peters Cartridge Factory, Kings Mills, Ohio

Under the Trump Administration, the Superfund program has reemerged as a priority to fulfill and strengthen the Agency's core mission of protecting human health and the environment. On the one-year anniversary of the Superfund Task Force, EPA highlighted successes and progress over the past year while outlining work to be done in year two.

- *Achieving Key Milestones at Sites on the Administrator's Emphasis List.* After the inaugural release initial of the Administrator's Emphasis List (AEL) on December 8, 2017, which included 21 National Priorities List (NPL) Superfund sites across the United States targeted for immediate and intense attention, substantial progress has been made at AEL sites. EPA has since updated the dynamic list each subsequent quarter while sites achieve major milestones throughout the Superfund process.

- *Moving More Sites Towards Deletion/Partial Deletion.* Due to more direct attention to the sites potentially eligible for partial or full deletion from the NPL, the program deleted all or part of 22 sites from the NPL in the past fiscal year.

- *Improving Information on Human Exposure Status.* EPA launched a Human Exposure Dashboard providing real-time human exposure status for all NPL sites in an easily accessible webpage. In FY 2018, the Agency designated an additional net total of 32 sites as having human exposure to contamination under control for a total of 1,507 sites under control.

- *Promoting Redevelopment and Community Revitalization at Targeted Sites.* After releasing a Redevelopment Focus List of 31 NPL sites with the greatest reuse potential, EPA has responded to over 120 redevelopment-related prospective purchaser inquiries and created a new informational mapping tool that provides site-specific details on each of the 31 sites. Two noteworthy examples of EPA's redevelopment efforts are the Libby Asbestos site in Libby, Montana; and the Peoples National Gas site in Dubuque, Iowa.

- *Developing Tools and a Process to Encourage Third-Party Investment.* EPA created a national team of redevelopment experts led by EPA and the U.S. Department of Justice (DOJ) to help address liability concerns of third-party entities and developers. EPA and DOJ issued a new policy that encourages more frequent consideration of Bona Fide Prospective Purchaser Agreements and Prospective Purchaser Agreements, when appropriate, to foster cleanup and reuse of NPL sites.

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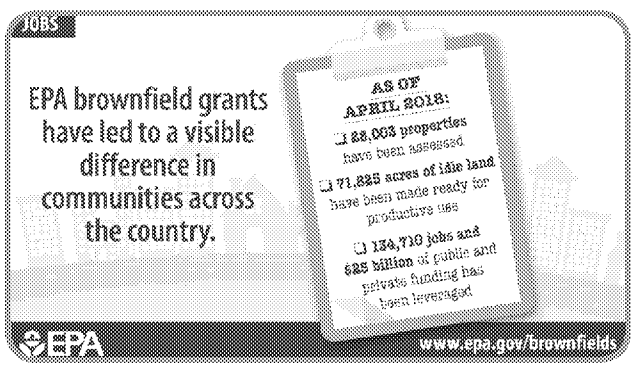
- *Engaging with Partners and Stakeholders.* EPA held or participated in more than 1,370 public meetings and 3,190 in-person meetings or interviews with community members living near Superfund sites. Senior EPA leaders also met on a regular basis with environmental justice groups as well as other federal agencies and a variety of state and tribal organizations to obtain their ongoing input on Task Force work. The Agency also conducted online listening sessions open to the public to obtain feedback on implementing many of the enforcement-related recommendations.

As outlined in the "2018 Update," the Agency plans to complete implementation of the Superfund Task Force recommendations by September 2019 and will have fully integrated that work into EPA's Superfund program. These achievements will provide certainty to communities, state partners, and developers that the nation's most hazardous sites will be cleaned up as quickly and safely as possible.

Another significant achievement in FY 2018 was increasing the annual number of sites returned to communities for redevelopment. By redeveloping Superfund sites, communities are able to reuse thousands of acres of formerly contaminated land, often strengthening local economies. In FY 2018, EPA committed to increase the number of NPL sites that achieved sitewide ready for anticipated use (SWRAU) by roughly 25 percent over the previous year. Through focused management attention and improved program practices, EPA achieved this goal: 51 sites reached SWRAU in FY 2018, the highest total since FY 2013. Many sites that EPA has designated as ready for reuse in previous years now host parks, business districts, renewable energy facilities, wildlife habitat, neighborhoods, and farms.

Brownfields



The Agency also achieved significant on-the-ground accomplishments at Brownfields sites throughout the nation. In FY 2018, the Brownfields Program reported 861 properties ready for reuse, 1919 assessments complete, and 143 properties cleaned up. The program also reported leveraging over $2.2 billion dollars and over 11,000 jobs. All FY18 accomplishments exceeded their targets for the year.

FY 2018 Brownfields Program Accomplishments		
Performance Measure	FY 2018 Targets	FY 2018 Accomplishments
Properties Assessed	1300	1919
Properties Cleaned Up	130	143
Jobs Leveraged	7,000	11,197
Dollars Leveraged	$1.1 Billion	$2.201 Billion
Properties Made Ready for Reuse	684	861

In addition, EPA provided $54.3 million in Brownfields grants to assess and clean up contaminated properties and promote economic redevelopment nationwide, helping to return blighted properties to productive reuse. EPA provided an addition $15.7 million in supplemental funds for cleanups of contaminated Brownfields sites in communities across the country. These grants help communities reuse vacant and abandoned properties and turn them into community assets such as housing, recreation and open space, health facilities, social services, transportation options, infrastructure, and commerce opportunities.

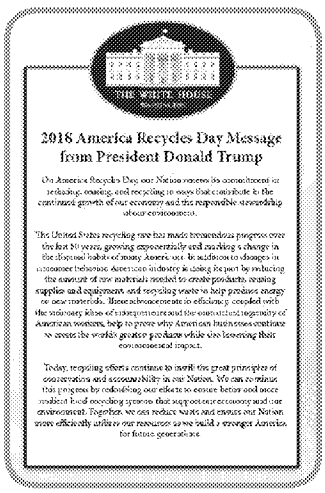
In May, EPA selected 17 organizations to receive $3 million for environmental workforce development and job training programs across the country. These grants support programs to help local residents learn the skills needed to secure employment in the environmental field. Since the program started in 1998, EPA's Environmental Workforce Development and Job Training Program has trained and placed more than 12,850 individuals in careers related to land remediation and environmental health and safety.

After President Trump signed into law on March 23, 2018, the Brownfields Utilization, Investment and Local Development Act (BUILD Act), the Agency immediately began its efforts to implement its key provisions. EPA

updated guidance documents to reflect the new certainty and liability protections for state and local government entities as well as Alaska Native villages. In June, EPA asked for public comment on how best to implement the increased grant-size authority and the new multi-purpose and small community assistance grants. EPA is finalizing the FY 2019 grant guidelines to ensure new criteria for clean energy and waterfront properties, as well as location within opportunity zones, are given appropriate weight in making final grant decisions. Additionally, EPA has hosted webinars, conducted outreach sessions, and given numerous presentations outlining the new opportunities under the BUILD Act.

Sustainable Materials Management & Recycling

Under Acting Administrator Andrew Wheeler's leadership, EPA's held its first-ever Recycling Summit. The summit, convened on America Recycles Day, brought together leaders from industry and all levels of government to discuss opportunities to advance and strengthen the domestic recycling industry and markets. More than 40 manufacturers, retailers, waste management companies, trade associations, NGOs, and investment funds signed a unified pledge to commit to work together to improve the state of the recycling system in the United States.


THE WHITE HOUSE

2018 America Recycles Day Message from President Donald Trump

On America Recycles Day, our Nation renews its commitment to reducing, reusing, and recycling in ways that contribute to the continued growth of our economy and the responsible stewardship of our environment.

The United States recycling rate has made tremendous progress over the last 50 years, growing exponentially and marking a change in the disposal habits of many Americans. In addition to changes in consumer behavior, American industry is doing its part by reducing the amount of raw materials needed to create products, reusing supplies and equipment, and recycling waste to help produce energy or new materials. These advancements in efficiency coupled with the voluntary ideas of entrepreneurs and the constructed ingenuity of American workers, help to prove why American businesses continue to create the world's greatest products while also lessening their environmental impact.

Today, recycling efforts continue to instill the great principles of conservation and accountability in our Nation. We can continue this progress by redoubling our efforts to ensure better and more resilient local recycling systems that support our economy and our environment. Together, we can reduce waste and ensure our Nation more efficiently utilizes our resources as we build a stronger America for future generations.

Four Recycling Action Areas

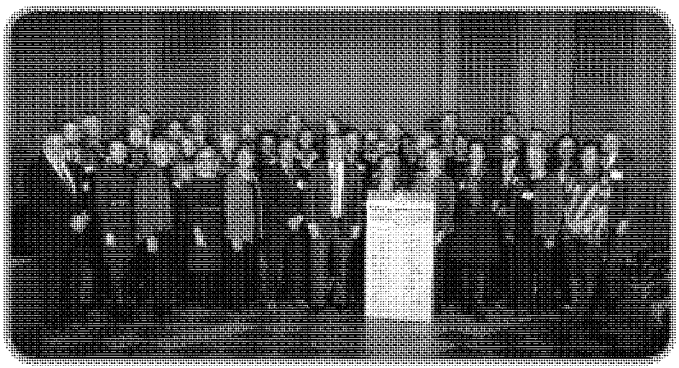
1. The development of effective outreach and education strategies for consumers, local, tribal and state governments, as well as other stakeholders, on what to do with recyclable materials at end-of-use will improve the quality and quantity of materials that Americans recycle, which will strengthen markets for those recyclable materials.

   Since 1960, the U.S. recycling rate has increased from less than 7 percent to 35 percent in 2015. An EPA study found that every 10,000 tons of materials recycled supports nearly 16 jobs and $760,000 in wages.

   Focusing on only recycling materials that are locally accepted – like cardboard, metals cans, and paper – will reduce contamination and ensure that more materials get a second life and go back into the economy. Putting the wrong things in the bin can increase the cost of recycling for a community, cause everything to end up as garbage rather than recycled, and endanger the safety of workers at local recycling facilities. Items like plastic bags, batteries, and electronics should never go in the recycling bin, but these can often be donated or recycled somewhere else, such as taking plastic bags back to the grocery store collection bin, taking used batteries to hardware stores or collection centers, or donating used electronics.

2. New investments to upgrade and modernize the national recycling infrastructure can produce a more resilient national recycling system capable of withstanding changes in the recyclable material stream and markets.

3. Encouraging communication and collaboration among the different sectors of the economy, including private enterprise and governmental entities, will support the innovation, development, manufacture, and reuse of high-quality recyclable materials that consumers want to purchase, that manufacturers want to use as feedstock, that retailers want to offer for sale, and that recyclers want to collect and reprocess. A stronger domestic recycling market will support local communities by creating more jobs, provide the overall U.S. economy with greater resilience and self-reliance, and present achievable cost savings for municipalities.



Acting Administrator Wheeler convenes the first-ever EPA Recycling Summit on America's Recycling Day

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 1/14/2019 10:19:14 PM
To: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]; Jennie_wright@inhofe.senate.gov
Subject: FW: per conversation this morning
Attachments: agency reform.pdf; air water land chemicals.pdf; regions.pdf; misc.pdf; children's health.pdf; accomplishments1.pdf; 2018.12.05 Center for Biological Diversity Response Letter to EPA.PDF; OPP FOIA Overview and Statistics for OCSPP IO.DOCX; Acting Administrator Wheeler.pdf

Per our conversation, I hope this answers some of your questions. Thanks again for allowing us to respond.

From: Jackson, Ryan
Sent: Monday, January 14, 2019 5:17 PM
To: 'Russell, Richard (EPW)' <Richard_Russell@epw.senate.gov>; 'Memmott, Justin (EPW)' <Justin_Memmott@epw.senate.gov>; Horner, Elizabeth (EPW) <Elizabeth_Horner@epw.senate.gov>
Cc: TROY M. LYONS (lyons.troy@epa.gov) <lyons.troy@epa.gov>
Subject: per conversation this morning

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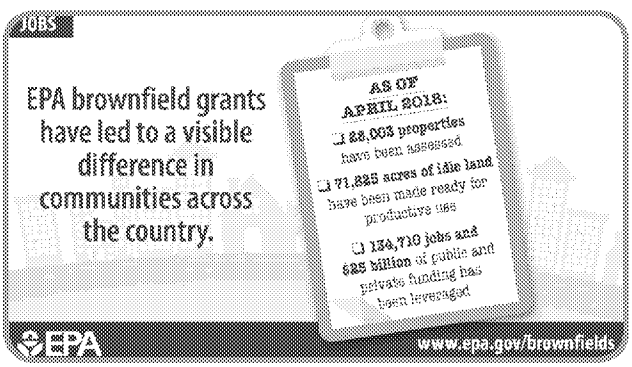

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Dollars Leveraged	$1.1 Billion	$2.201 Billion
Properties Made Ready for Reuse	684	861

In addition, EPA provided $54.3 million in Brownfields grants to assess and clean up contaminated properties and promote economic redevelopment nationwide, helping to return blighted properties to productive reuse. EPA provided an addition $15.7 million in supplemental funds for cleanups of contaminated Brownfields sites in communities across the country. These grants help communities reuse vacant and abandoned properties and turn them into community assets such as housing, recreation and open space, health facilities, social services, transportation options, infrastructure, and commerce opportunities.

In May, EPA selected 17 organizations to receive $3 million for environmental workforce development and job training programs across the country. These grants support programs to help local residents learn the skills needed to secure employment in the environmental field. Since the program started in 1998, EPA's Environmental Workforce Development and Job Training Program has trained and placed more than 12,850 individuals in careers related to land remediation and environmental health and safety.

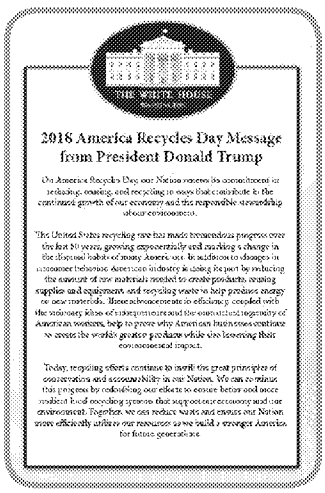
After President Trump signed into law on March 23, 2018, the Brownfields Utilization, Investment and Local Development Act (BUILD Act), the Agency immediately began its efforts to implement its key provisions. EPA

ED_005584B_00092448-00009

updated guidance documents to reflect the new certainty and liability protections for state and local government entities as well as Alaska Native villages. In June, EPA asked for public comment on how best to implement the increased grant-size authority and the new multi-purpose and small community assistance grants. EPA is finalizing the FY 2019 grant guidelines to ensure new criteria for clean energy and waterfront properties, as well as location within opportunity zones, are given appropriate weight in making final grant decisions. Additionally, EPA has hosted webinars, conducted outreach sessions, and given numerous presentations outlining the new opportunities under the BUILD Act.

Sustainable Materials Management & Recycling

Under Acting Administrator Andrew Wheeler's leadership, EPA's held its first-ever Recycling Summit. The summit, convened on America Recycles Day, brought together leaders from industry and all levels of government to discuss opportunities to advance and strengthen the domestic recycling industry and markets. More than 40 manufacturers, retailers, waste management companies, trade associations, NGOs, and investment funds signed a unified pledge to commit to work together to improve the state of the recycling system in the United States.


THE WHITE HOUSE

2018 America Recycles Day Message from President Donald Trump

On America Recycles Day, our Nation renews its commitment to reducing, reusing, and recycling in ways that contribute to the continued growth of our economy and the responsible stewardship of our environment.

The United States recycling rate has made tremendous progress over the last 50 years, growing exponentially and marking a change in the disposal habits of many Americans. In addition to changes in consumer behavior, American industry is doing its part by reducing the amount of raw materials needed to create products, reusing supplies and equipment, and recycling waste to help produce energy or new materials. These advancements in efficiency coupled with the unknown ideas of entrepreneurs and the constructed ingenuity of American workers, help to prove why American businesses continue to create the world's greatest products while also lessening their environmental impact.

Today, recycling efforts continue to instill the great principles of conservation and accountability in our Nation. We can continue this progress by redoubling our efforts to ensure better and more resilient local recycling systems that support our economy and our environment. Together, we can reduce waste and ensure our Nation more efficiently utilizes our resources as we build a stronger America for future generations.

Four Recycling Action Areas

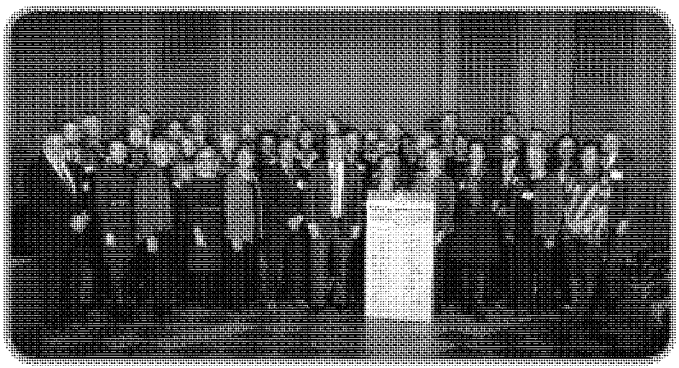
1. The development of effective outreach and education strategies for consumers, local, tribal and state governments, as well as other stakeholders, on what to do with recyclable materials at end-of-use will improve the quality and quantity of materials that Americans recycle, which will strengthen markets for those recyclable materials.

   Since 1960, the U.S. recycling rate has increased from less than 7 percent to 35 percent in 2015. An EPA study found that every 10,000 tons of materials recycled supports nearly 16 jobs and $760,000 in wages.

   Focusing on only recycling materials that are locally accepted – like cardboard, metals cans, and paper – will reduce contamination and ensure that more materials get a second life and go back into the economy. Putting the wrong things in the bin can increase the cost of recycling for a community, cause everything to end up as garbage rather than recycled, and endanger the safety of workers at local recycling facilities. Items like plastic bags, batteries, and electronics should never go in the recycling bin, but these can often be donated or recycled somewhere else, such as taking plastic bags back to the grocery store collection bin, taking used batteries to hardware stores or collection centers, or donating used electronics.

2. New investments to upgrade and modernize the national recycling infrastructure can produce a more resilient national recycling system capable of withstanding changes in the recyclable material stream and markets.

3. Encouraging communication and collaboration among the different sectors of the economy, including private enterprise and governmental entities, will support the innovation, development, manufacture, and reuse of high-quality recyclable materials that consumers want to purchase, that manufacturers want to use as feedstock, that retailers want to offer for sale, and that recyclers want to collect and reprocess. A stronger domestic recycling market will support local communities by creating more jobs, provide the overall U.S. economy with greater resilience and self-reliance, and present achievable cost savings for municipalities.



Acting Administrator Wheeler convenes the first-ever EPA Recycling Summit on America's Recycling Day

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 1/28/2019 3:46:22 PM
To: mary.martin@mail.house.gov
CC: 'TROY M. LYONS (lyons.troy@epa.gov)' [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]
Subject: RE:
Attachments: EPA_2018_YearInReview_0128-2.pdf

Early copy. Please hold until we release formally a little later this morning. Wanted to let you see what we are planning on releasing this week so you can have for Thursday.

From: Jackson, Ryan
Sent: Monday, January 28, 2019 9:47 AM
To: 'mary.martin@mail.house.gov' <mary.martin@mail.house.gov>
Cc: TROY M. LYONS (lyons.troy@epa.gov) <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject:

Now that EPA is back, we are releasing our annual accomplishments report for 2018 which we will send you.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 10/30/2019 9:29:29 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Subject: RE: EPA proposes Blades to National Priorities List

We didn't do a single release on deletions.

We did many in the individual areas where the sites are located like this: https://www.epa.gov/newsreleases/epa-deleted-all-or-part-27-superfund-sites-including-buckeye-reclamation-landfill-0

From: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Sent: Wednesday, October 30, 2019 5:14 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Fwd: EPA proposes Blades to National Priorities List

Sent from my iPhone

Begin forwarded message:

> **From:** "Farquharson, Jill (EPW)" <Jill_Farquharson@epw.senate.gov>
> **Date:** October 30, 2019 at 3:39:03 PM EDT
> **To:** "Wallace, Campbell (EPW)" <Campbell_Wallace@epw.senate.gov>, "Freedhoff, Michal (EPW)" <Michal_Freedhoff@epw.senate.gov>, "Tulou, Christophe (EPW)" <Christophe_Tulou@epw.senate.gov>, "Repko, Mary Frances (EPW)" <MaryFrances_Repko@epw.senate.gov>, "McGrath, Karen (Carper)" <Karen_McGrath@carper.senate.gov>, "Ofosu, Asi (Carper)" <Asi_Ofosu@carper.senate.gov>, "Kane, John (EPW)" <John_Kane@epw.senate.gov>
> **Subject: EPA proposes Blades to National Priorities List**
>
> Thanks for flagging – adding others.
>
> ---
>
> **From:** Wallace, Campbell (EPW) <Campbell_Wallace@epw.senate.gov>
> **Sent:** Wednesday, October 30, 2019 3:33 PM
> **To:** Farquharson, Jill (EPW) <Jill_Farquharson@epw.senate.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
> **Subject:** Bloomberg article on Blades
>
> # Superfund's Next Challenge: Small-Town PFAS Contamination (1)
>
> Oct. 30, 2019, 1:57 PM; Updated: Oct. 30, 2019, 2:53 PM
> - EPA proposes Blades, Del., for National Priorities List
> - Residents engaged in lawsuit against PFAS companies

A Delaware town that discovered PFOA and PFOS in its drinking water more than a year ago may become part of the EPA's flagship cleanup program.

The Environmental Protection Agency is proposing to add contaminated groundwater in Blades, Del., to its list of Superfund sites, which are the most contaminated in the country. Per- and polyfluoroalkyl substances, including PFOA and PFOS, have been found in drinking water systems throughout the U.S.

In addition to per- and polyfluoroalkyl substances—also known as PFAS—metals and hexavalent chromium have been found in Blades' groundwater, according to the EPA. The town has a population of fewer than 1,500, according to the Census Bureau.

The agency announced its intention to propose Blades' groundwater for the National Priorities List Oct. 30, but the proposal doesn't become official until it is published in the Federal Register.

State Sought EPA Help

The PFAS-contaminated groundwater is in a residential part of Blades, where the governor ordered citizens in February 2018 to stop drinking city-provided water and switch to bottled water because of contaminants in the municipal supply. The town installed a carbon filtration system to reduce the amount of PFAS in their drinking water.

In May, Blades residents filed personal injury and property damage claims against E.I. Du Pont de Nemours and Co., Chemours Co., 3M Co., and a plating company that may be contributing to the groundwater contamination, Procino Plating Inc. The plaintiffs claim they have been exposed to harmful amounts of PFAS through well water and the municipal water supply.

The chemicals are associated with adverse health effects, including developmental harm to fetuses, testicular and kidney cancers, liver tissue damage, immune system or thyroid effects, and changes in cholesterol, according to the EPA.

Delaware asked the EPA to get involved at the site to help understand the extent of the groundwater contamination, according to EPA documents.

Blades' groundwater would not be the first Superfund site with known PFAS contamination. In Hoosick Falls, N.Y., groundwater at the Saint-Gobain Performance Plastics facility was contaminated with PFOA and trichloroethylene. The Saint-Gobain site joined the Superfund list, also known as the National Priorities List or NPL, in 2017.

PFAS have not yet been declared hazardous under the federal Superfund program, but community concern is driving sampling and restrictions at the state level.

"If PFOA and PFOS are among the bases for identifying a potential NPL site, it certainly begs the question as to why those two chemicals at a minimum have not already been declared hazardous substances," said Rob Bilott, partner at Taft Stettinius & Hollister LLP in Cincinnati.

In Delaware, PFAS are considered hazardous, and the state can order groundwater and surface water sampling to determine whether such substances are present.

Campbell Wallace
Deputy Press Secretary
Senate Committee on Environment and Public Works
Ranking Member Tom Carper (D-Del.)
o: 202-224-1936 | m: 202-573-2061

Message

From: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Sent: 10/30/2019 9:32:12 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: EPA proposes Blades to National Priorities List

Thanks. Was there a Blades release?

Sent from my iPhone

On Oct 30, 2019, at 5:30 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

We didn't do a single release on deletions.

We did many in the individual areas where the sites are located like this: https://www.epa.gov/newsreleases/epa-deleted-all-or-part-27-superfund-sites-including-buckeye-reclamation-landfill-0

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Date: October 30, 2019 at 3:39:03 PM EDT
To: "Wallace, Campbell (EPW)" <Campbell_Wallace@epw.senate.gov>, "Freedhoff, Michal (EPW)" <Michal_Freedhoff@epw.senate.gov>, "Tulou, Christophe (EPW)" <Christophe_Tulou@epw.senate.gov>, "Repko, Mary Frances (EPW)" <MaryFrances_Repko@epw.senate.gov>, "McGrath, Karen (Carper)" <Karen_McGrath@carper.senate.gov>, "Ofosu, Asi (Carper)" <Asi_Ofosu@carper.senate.gov>, "Kane, John (EPW)" <John_Kane@epw.senate.gov>
Subject: EPA proposes Blades to National Priorities List

Thanks for flagging – adding others.

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Sent: Wednesday, October 30, 2019 3:33 PM
To: Farquharson, Jill (EPW) <Jill_Farquharson@epw.senate.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Subject: Bloomberg article on Blades

Superfund's Next Challenge: Small-Town PFAS Contamination (1)

Oct. 30, 2019, 1:57 PM; Updated: Oct. 30, 2019, 2:53 PM

- <!--[if !supportLists]--><!--[endif]-->EPA proposes Blades, Del., for National Priorities List
- <!--[if !supportLists]--><!--[endif]-->Residents engaged in lawsuit against PFAS companies

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In Delaware, PFAS are considered hazardous, and the state can order groundwater and surface water sampling to determine whether such substances are present.

Campbell Wallace
Deputy Press Secretary
Senate Committee on Environment and Public Works
Ranking Member Tom Carper (D-Del.)
o: 202-224-1936 | m: 202-573-2061

Message

From: Falvo, Nicholas [falvo.nicholas@epa.gov]
Sent: 8/31/2017 9:18:57 PM
To: Palich, Christian [palich.christian@epa.gov]; Miller, Sophie (Daines) [Sophie_Miller@daines.senate.gov]
CC: Catlett, Ron (Daines) [Ron_Catlett@daines.senate.gov]; Kelly, Albert [kelly.albert@epa.gov]
Subject: RE: Backlog of NPL Superfund site delistings

Please feel free to contact us if you have any additional questions.

Mystery Bridge Road/US Highway 20 in Region 8 was partially delisted on Tuesday August 29.
Shpack Landfill in Region 1 is scheduled have a full site delisting on Tuesday September 5. These two sites have gone through the publication in the FR and public comment period.

These will be the last two deletion actions in FY17. We expect additional notices of intent to delete to come through in September, but those will not take effect until FY18.

COMPLETED DELETIONS in FY2017 – FOUR SITES (three partial deletions, one full deletion)

North Penn Area 6 – Region 3, Montgomery Township, PA. Partial deletion effective March 3

Omaha Lead – Region 7, Omaha, NE. Partial deletion effective April 10.

Perdido Ground Water Contamination – Region 4, Perdido, AL. Full site deletion effective May 16.

Ellisville – Region 7, Ellisville, MO. Partial deletion of the Callahan Subsite effective July 17.

ACTIONS IN PROCESS – Comments closed. TWO SITES (one partial deletion, one full deletion)

These sites have had notice of intent to delete notifications published in the Federal Register and the comment period has closed. These are slated to be deleted before the end of FY17.

Mystery Bridge Road/US Highway 20 – Region 8, Casper Wyoming. Direct final partial deletion published June 30. Comments closed on July 31. One comment was received as a "general political statement" with "no technical basis" and was "not site specific." Final partial deletion is schedule for August 29.

Shpack Landfill – Region 1, Norton/Attleboro, MA. Issue of Notice of Intent to Delete published on July 6. Comments closed on August 7. If no adverse comments are received, final deletion on September 5.

ACTIONS IN PROCESS – AWAITING ACTION ONE site (full deletion)

Nutting Truck and Caster Co. – Regional 5, Faribault MN. This site has received state concurrence, HQ (OSTRI) concurrence, and all documentation is complete. It is awaiting Regional Administrator approval and Federal Registrar publication. Anticipating 50-80 days from final deletion.

REMAINING FULL/PARTIAL DELETION CANDIDATES

These sites have submitted their closeout reports and are awaiting various levels of Headquarters/OGC/ORC/Regional approval. This approval process includes: 1) site completion criteria met; 2) Final Close Out Report drafted, reviewed by OSTRI and state; 3) Regional drafts Notice of Intent to Delete/Notice of Deletion or Partial Deletion; 4) OSTRI reviews

draft NOID/NOD; 5) State concurs with the deletion; 6) Deletion docket assembled for publication in Federal Registrar; 7) OSTRI director agrees with concurrence, sends to Regional Administrator for approval; 8) RA approval, submission to Federal Registrar; 9) Office of Policy submits Federal Registrar notice, public comment period opens; 10) final deletion 60 days after original publication if no adverse comments received.
These sites are slated to be deleted in early FY18

C&D Recycling – Region 3, Foster Township, PA. Full site deletion. Awaiting action in Step 7, OSTRI Director concurrence. Anticipated deletion Q1, FY18

Vancouver Water Station #1 – Region 10, Vancouver WA. Full site deletion. Awaiting action in Step 6 – assembling docket material for publication. Anticipated deletion Q1, FY18

Vancouver Water Station #4 – Region 10, Vancouver WA. Full site deletion. Awaiting action in Step 6 – assembling docket material for publication. Anticipated deletion Q1, FY18

Whitehouse Oil Pits - Region 4, Whitehouse, FL. Full site deletion. Awaiting action in Step 4 – OSTRI review of NOID/NOD. Anticipated deletion Q1, FY18

Hatheway and Patterson – Region 1, Mansfield MA. Full site deletion. Awaiting action in Step 4/5 – OSTRI review of NOID/NOD and state concurrence. Anticipated deletion Q2, FY18

Pacific Coast Pipe Line – Region 9, Fillmore, CA. Partial deletion. Awaiting action in Step 4 – OSTRI review of NOID/NOD. Anticipated deletion Q2/3, FY18

Davis Timber – Region 4, Hattiesburg, MS. Full site deletion. Awaiting action in Step 3 -- drafting NOID/NOD. Anticipated deletion Q2, FY18

Aerojet General Corp. – Region 9, Rancho Cordova, CA. Partial deletion. Awaiting action in Step 1 – site completion criteria met. Anticipated deletion Q3, FY18.

From: Palich, Christian
Sent: Thursday, August 31, 2017 4:07 PM
To: Miller, Sophie (Daines) <Sophie_Miller@daines.senate.gov>
Cc: Catlett, Ron (Daines) <Ron_Catlett@daines.senate.gov>; Kelly, Albert <kelly.albert@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>
Subject: RE: Backlog of NPL Superfund site delistings

Hi Sophie,

I am looping in our superfund folks (Kell and Nick) to help you with the request.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency

O: 202.564.4944
Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

From: Miller, Sophie (Daines) [mailto:Sophie_Miller@daines.senate.gov]
Sent: Thursday, August 31, 2017 3:45 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Catlett, Ron (Daines) <Ron_Catlett@daines.senate.gov>
Subject: Backlog of NPL Superfund site delistings

Hi Christian,

On a separate note, could you please share the list of currently backlogged NPL sites and partial delistings currently awaiting approval/processing?

Thank you very much.

-Sophie

--

Sophie Miller
Legislative Aide
U.S. Senator Steve Daines (MT)
202.224.2651 (o)
www.daines.senate.gov

Appointment

From: Gee, Randy [Gee.Randy@epa.gov]
Sent: 5/29/2020 2:42:55 PM
To: Gee, Randy [Gee.Randy@epa.gov]; McQueen, Ken [McQueen.Ken@epa.gov]; Gray, David [gray.david@epa.gov]; Tatum, Stephen [Tatum.Stephen@epa.gov]; Tanimura, Erin [Tanimura.Erin@epa.gov]; Chad-harsha@cherokee.org; Wayne-Isaacs@cherokee.org; Stenger, Wren [stenger.wren@epa.gov]; Price, Lisa [Price.Lisa@epa.gov]; Meyer, John [Meyer.John@epa.gov]; Atkins, Blake [Atkins.Blake@epa.gov]; Chiang, I-Jung [chiang.i-jung@epa.gov]; Blanco, Arturo [Blanco.Arturo@epa.gov]; Acosta, Gerardo [Acosta.Gerardo@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]
CC: Davis, Suea [davis.suea@epa.gov]; Turk, James [turk.james@epa.gov]; Pletan, Elizabeth [pletan.elizabeth@epa.gov]

Subject: EPA Region 6 Consultation with Cherokee Nation on Tulsa Fuel NPL Site Deletion
Attachments: EPA Tribal Consultation Invitation Letter to Cherokee Nation on Tulsa Fuel.pdf; CN Consult Ltr 05.21.20.pdf; Tulsa Fuels Final Close Out Report SIGNED April 2 2020.pdf; Clarification on Tribal Consultations on Remedial Actions-signed (003).pdf; r6epatribalconsultationprocedures_may2015.pdf; 6-3-2020 Tulsa Fuel Meeting Agenda.pdf
Location: Conference Call

Start: 6/3/2020 7:30:00 PM
End: 6/3/2020 8:15:00 PM
Show Time As: Busy

Required Attendees: McQueen, Ken; Gray, David; Tatum, Stephen; Tanimura, Erin; Chad-harsha@cherokee.org; Wayne-Isaacs@cherokee.org; Stenger, Wren; Price, Lisa; Meyer, John; Blake Atkins; Chiang, I-Jung; Blanco, Arturo; Acosta, Gerardo; Alvarado, Tina
Optional Attendees: Davis, Suea; Turk, James; Pletan, Elizabeth

Agenda and call attendees list added

Phone Number 210-469-3886
Code 953 668 452

The EPA Region 6 consultation with Cherokee Nation on the NPL deletion of the Tulsa Fuel and Manufacturing Superfund Site will be held on Wednesday, June 3 at 2:30 CDT. The consultation will be held via conference call and above are the phone number and code for the conference line. Attached is background material for the consultation. An agenda and list of call attendees will be added to this calendar invitation.

If you have questions you may call me at 214-665-8355 or by email at gee.randy@epa.gov

Thank you,

Randy Gee
EPA Region 6 Office of Communities, Tribes and Environmental Assessment
Office Phone: 214-665-8355

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

May 7, 2020

The Honorable Chuck Hoskin, Jr.
Principal Chief
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465
chuck-hoskin@cherokee.org

Re: Invitation to Consult on the Tulsa Fuel and Manufacturing Superfund Site Deletion

Dear Principal Chief Hoskin:

I am writing to extend an invitation to consult with EPA Region 6 regarding the deletion of the Tulsa Fuel and Manufacturing Superfund Site (TFM Site) from the National Priorities List (NPL). EPA Region 6 has determined that no further response actions are necessary at the TFM Site, and the TFM Site is appropriate for deletion from the NPL in accordance with Section 300.425(e) of the National Contingency Plan, 40 CFR § 300.425(e).

We understand the Cherokee Nation has tribal citizens living near the TFM Site and has expressed concerns with similar contaminant sources near this Site. Because of these concerns, EPA would like to offer the opportunity for the Cherokee Nation to provide input, through the tribal consultation process, on the TFM Site deletion.

While deletion of the TFM Site from the NPL will be a significant accomplishment for the State of Oklahoma and the local community in cleaning up historical smelter-related waste in northeastern Oklahoma, additional work will continue to identify and eliminate other nearby smelter-related wastes that are not part of the TFM Site.

EPA plans to delete the TFM Site from the NPL through a two-step process, with the first step of publishing a Notice of Intent to Delete (NOID) in the Federal Register. The NOID provides for a public comment period of at least 30 days. If no adverse comments are received, a Notice of Deletion (NOD) will be published in the Federal Register, and the deletion will become effective on the date specified in the NOD.

Because of the ongoing deletion process and timeframes, EPA would appreciate a response from you on whether the Cherokee Nation would like to pursue consultation on this matter within 15 days of receipt this letter. Please contact me at (214)665-2100 or mcqueen.ken@epa.gov or Randy Gee of my staff at (214)665-8355 or gee.randy@epa.gov with your response. If we do not receive

a timely response, the Agency will conclude that you do not wish to engage in consultation on the deletion process for the TFM Site.

I look forward to consulting with you on this important matter. Please feel free to contact me at (214)665-2100 or my staff if you need further assistance.

Sincerely,

Ken McQueen
Regional Administrator

Enclosure

cc: Chad Harsha, Secretary of Natural Resources, Cherokee Nation
Wayne Isaacs, Senior Director of Environmental Programs, Cherokee Nation
Kenneth Wagner, Secretary of Energy and Environment, State of Oklahoma
Scott Thompson, Executive Director, ODEQ

ED_005584B_00100443-00002

GWY.9 DBP
CHEROKEE NATION®
P.O. Box 948 • Tahlequah, OK 74465-0948
918-453-5000 • www.cherokee.org

Office of the Chief

Chuck Hoskin Jr.
Principal Chief

Bryan Warner
Deputy Principal Chief

May 21, 2020

Ken McQueen, Regional Administrator
U.S. EPA, Region VI
Office of the Regional Administrator (ORA)
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

Re: Consultation on the Tulsa Fuels and Manufacturing Superfund Site (TFM)

Dear Regional Administrator McQueen:

Cherokee Nation has approximately 3,115 Tribal Citizens residing within 4 miles of the Tulsa Fuels and manufacturing, a NPL listed for over 20 years. Cherokee Nation Environmental Programs has been involved in various activities which include attending public meetings, document review, provided public education and outreach to tribal citizens. Our staff also assisted ODEQ and the Collinsville Soil Group by contacting and encouraging all residents residing within the soil study to have their yards sampled and tested for the presence of heavy metals. We appreciate and support the cleanup efforts from EPA and the Oklahoma Department of Environmental Quality to remediate the Superfund Site.

Cherokee Nation appreciates and accepts the invitation to engage in discussions related to the TFM site deletion process. Items of concern include:

- Future plans for waste identification from the Collinsville and Tulsa Fuels & Manufacturing Sites located off the TFM site,
- Potential impacts to legal claims resulting from delisting of the site,
- Criteria for determining tribal participation in the Tribal Consultation Process for Superfund sites,
- Elements of the Superfund delisting process that provides input from the general public residing in communities located near sites.

If you have any questions please contact me at (918) 453-5369 or may staff if you need additional information.

Sincerely,

Chad Harsha
Secretary of Natural Resources
Cherokee Nation

Cc: Wren Stringer, EPA Superfund Division
Randy Gee, EPA Office of Communities, Tribes and Environmental Assessment

Final Close Out Report

Tulsa Fuel and Manufacturing Superfund Site

Tulsa County, Oklahoma

(EPA ID OKD987096195)

Unites States Environmental

Protection Agency

Region 6

Superfund Division

April 2020

SUPERFUND FINAL CLOSE OUT REPORT
TULSA FUEL AND MANUFACTURING SUPERFUND SITE
TULSA COUNTY, OKLAHOMA

I. INTRODUCTION

This Final Close Out Report (FCOR) documents that the U.S. Environmental Protection Agency (EPA) has determined that all appropriate response actions at the Tulsa Fuel and Manufacturing Superfund Site (Site) have been successfully implemented by EPA and the Oklahoma Department of Environmental Quality (ODEQ) in accordance with *Close Out Procedures for National Priorities List Sites* (OSWER Directive 9320.2-22) (EPA, 2011).

II. SUMMARY OF SITE CONDITIONS

Background

The Tulsa Fuel and Manufacturing (TFM) Superfund Site (CERCLIS ID# OKD987096195) is located in northeastern Oklahoma approximately 1-1/3 miles south of downtown Collinsville in Tulsa County, Oklahoma (ODEQ, 2018a). The Site is in the eastern half of Section 31 and western half of Section 32, Township 22 North, Range 14 East in Tulsa County, Oklahoma, with coordinates of 36° 20' 45" north latitude and 95° 50' 51" west longitude (BMcD, 2017a). Figure 1 shows a map of the approximately 61-acre Site, which is bounded by "Old" U.S. Highway 169 and the Atchison Topeka Santa Fe railroad tracks (currently operated by Watco Transportation Services, LLC) to the east; a flooded strip mine pit from a former coal mining operation to the south; and agricultural and residential lots to the north and west (OSDH, 1992 and ODEQ, 2011).

The Site was formerly operated as a zinc smelter and lead roaster industrial facility from 1914 through 1925 (BMcD, 2017a). During the Remedial Action (RA), approximately 186,000 cubic yards of waste, soil, and sediment contaminated with heavy metals were placed in an on-site hazardous waste consolidation cell. The Site now includes an approximate 11-acre consolidation cell with a five-strand barbed wire perimeter fence to restrict access. Four groundwater monitoring wells that surround the cell are included within the fenced-in area (BMcD, 2017c). The flooded strip mine pit at the southern site boundary receives surface water runoff and likely interacts with Site groundwater (BMcD, 2007).

Land and Resource

No major bedrock or alluvial aquifers lie beneath the Site. Groundwater beneath the Site is from the Seminole Formation, which reportedly yields small amounts of fair to poor quality water, and has been designated as a Class IIB minor use general basin (OAC, 2004). The Seminole Formation consists of shale, sandstone, and thin coal beds and has a thickness of approximately 200 feet (EPA, 2008).

Historically, Site groundwater flows toward the southeast. Though Site groundwater is typically shallow (as little as 5 ft below ground surface to groundwater (EPA, 2008)), groundwater

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beneath the on-site consolidation cell does not directly intersect the cell's waste material (EPA, 2015).

The TFM Site vicinity is underlain by unconsolidated overburden that primarily consists of silt, silty loam, shale sediments, and clay (BMcD, 2017a). This natively underlying clay binds and generally restricts the contaminants of concern (COCs) from migrating into groundwater; nevertheless, continued groundwater monitoring is required to quantitatively measure the performance of the selected remedy (ODEQ, 2018b). No municipal wells, public wells, or wellhead protection areas were found within a 4-mile radius, but several private wells exist within a 1-mile radius (BMcD, 2017a).

There are no known flooding problems upstream or downstream of the Site, or on the Site itself, and FEMA maps indicate that the entire Site does not lie within a floodplain of 500 years or less (BMcD, 2017b). An intermittent stream originates in this area and flows approximately three quarters of a mile northeast before draining into Blackjack Creek.

History of Contamination

During World War I, zinc was in great demand for galvanizing armaments to prevent rust. A zinc smelter and lead roaster operated at the TFM Superfund Site from 1914 through 1925. Historically, the smelter was known as the Prime Western Smelter. The smelting operation used nine furnaces. Other main structures of the smelter included a mechanical kiln building, a condenser room, and a laboratory. A 2 million-gallon capacity reservoir was used in conjunction with the condenser room during smelting operations. In addition, waste piles and large amounts of ore were stored on-site. Little is known about waste management at the smelter during its operation. Due to the time period in which the smelter operated, it is unlikely that air emission control devices were used (ODEQ, 1994 and OSDH, 1992).

Prior to the Remedial Action, portions of the Site were covered with waste consisting of broken retorts and condensers, slag, building debris, ash, bricks, and other materials from the former smelting operations (BMcD, 2007). Smelter-related waste material at the Site caused contamination of soil, sediment, and surface water (ODEQ, 2011). Groundwater at the Site was not impacted by the contaminated soil and waste material.

Initial Response

In November 1992, the Oklahoma State Department of Health conducted a focused Preliminary Assessment (PA) under the direction of the EPA as part of a multi-site cooperative agreement. In September 1994, ODEQ conducted a focused Site Inspection (SI) under the direction of the EPA.

The EPA conducted a Removal Assessment in 1999 to estimate the volume of contaminated materials on the Site. In May 2001, voluntary blood lead testing was conducted on children from six months to six years of age. In September 2001, after the potentially responsible party (PRP) declined to conduct the remedial investigation/feasibility study (RI/FS), the EPA and ODEQ negotiated a cooperative agreement in which ODEQ assumed the role of lead agency for the

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RI/FS with the EPA acting as the support agency. In 2003, unilateral administrative orders for access and noninterference were issued to two property owners of the Site, and Site access was granted (BMcD, 2017a). In 2004, perimeter fences were installed as an emergency response action to secure the Site: a 6 ft tall chain link fence was constructed along the north boundary, and a 4-strand barbed wire fence was constructed along the east boundary. This action met the criteria for initiating a removal action under Section 300.415 of the *National Oil and Hazardous Substances Pollution Contingency Plan* (NCP), 40 C.F.R. § 300.415 (EPA, 2004).

Record of Decision

A proposed plan for the Site was issued in September 1998 presenting the preferred alternative of on-site consolidation and capping of soil, sediment, and waste material that contained hazardous concentrations of heavy metals. On September 29, 1998, EPA proposed the Site to the National Priorities List (NPL) (63 FR 51882), and on January 19, 1999, the EPA placed this Site as final on the National Priorities List (NPL) (64 FR 2942) in an effort to remediate areas affected by arsenic, lead, and cadmium, and also to prevent potential contamination of surface water, sediment, and groundwater in the area. The Record of Decision (ROD) was signed on November 24, 2008. The Site was addressed as one operable unit. Remedial Action Objectives were developed for Site soil, sediment, surface water, and waste material and are listed below.

Remedial Action Objectives and Clean-up Levels

The ROD established the following Remedial Action Objectives (RAOs) for the selected remedy (EPA, 2008):

- **Soil and Waste Materials:** Protect human health by preventing direct contact, through the ingestion and inhalation exposure pathways, with arsenic, cadmium, and lead-contaminated on-site and off-site soil and waste material by reducing arsenic, cadmium, and lead concentrations to residential levels less than 37 parts-per-million (ppm), 75 ppm, and 500 ppm respectively, or to nonresidential levels less than 200 ppm, 560 ppm, and 1,000 ppm respectively.

- **Sediment:** Protect human health and the environment by preventing direct contact, through the ingestion pathway, with arsenic, cadmium, and lead-contaminated sediment by reducing arsenic, cadmium, and lead concentrations to levels less than 181 ppm, 813 ppm, and 500 ppm, respectively.

- **Surface Water:** Protect human health and the environment by preventing direct contact, through the ingestion pathway, with cadmium-contaminated surface water by reducing cadmium concentrations to levels less than 238 parts-per-billion (ppb).

In order to achieve these RAOs, numerical risk-based cleanup levels were established for each environmental medium based on a scenario allowing for future residential use. Table 1 in the Appendix contains a summary of the cleanup levels established by the RAOs.

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Remedy Components

The major remedy components at the Site, as selected in the 2008 ROD and modified in the 2015 ROD Amendment for the Site, were the following (USEPA 2015):

- **Soil and Waste Material:** On-site remedy components consisted of consolidation and on-site capping of soil and waste material exceeding cleanup levels. Confirmation soil sampling was conducted in each area of excavation to ensure cleanup levels were met and all contaminated soil and waste material was removed.

- **Sediment and Surface Water:** On-site ponds, mid-site ravine, and strip mine pit remedy components consisted of on-site disposal of material exceeding the cleanup levels for sediment and surface water. Sediment was dewatered, excavated, and analyzed according to toxicity characteristic leaching procedures (TCLP), and consolidated on-site. Confirmation sediment sampling was conducted after excavation to ensure cleanup levels were met and all contaminated sediment was removed.

- **Off-Site Soil, Sediment, and Waste Material Locations**: Off-site excavation and disposal was conducted for waste material exceeding the cleanup levels for soil, sediment, and waste material. This off-site waste material was analyzed via TCLP and consolidated on-site. Confirmation sampling was conducted after excavation to ensure cleanup levels were met and all contaminated soil, sediment, and waste material was removed.

Long-term monitoring, site inspections, operation and maintenance, institutional controls, and five-year reviews were required due to the consolidation and capping of waste materials on-site.

ROD Amendment

In June 2015, the ROD Amendment was finalized to waive Oklahoma Administrative Code (OAC) 252:515-11-3, allowing for construction of the consolidation cell without the minimum five-foot vertical separation between the highest ground water elevation and the lowermost waste surface, and to remove sediment treatment as a component of the remedy (BMcD, 2017a). For both of these changes, it was determined that the amended remedy would attain an equivalent level of protection. The ROD Amendment did not alter the original RAOs identified in the 2008 ROD (EPA, 2015).

Remedial Design

The selected remedy required excavation and on-site consolidation of soil, sediment, and waste material. The remedy also required the dewatering of on-site surface waters: ponds, mid-site ravine, and strip mine pit. The remedial design (RD) detailed the remedy through design drawings and specifications, cost estimates, a Construction Quality Assurance Plan, and a draft Operation & Maintenance Manual. Work plans for the RD and remedial action (RA) were completed in February 2012 and June 2015, respectively. A value engineering screening report was completed in May 2014. ODEQ conducted the RD and RA as the lead agency through a

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cooperative agreement; EPA acted as the support agency.

Remedial Construction Activities

Remedial Action construction began in June 2015 and was completed in September 2016. During RA, a total of approximately 185,820 cubic yards of soil, sediment, and waste were excavated and placed into the on-site consolidation cell. Excavated areas were backfilled, graded, and seeded after confirmation sampling established that cleanup levels for residential standards had been met.

As excavation activities progressed, waste was found to exist at a location where removal would be both impracticable and unsafe: within an area named "T-37" (Figure 3). Additionally, two property owners declined to allow excavation on their property: along the railroad right-of-way, and also approximately 200 ft to the north of the consolidation cell at a corner of the Site's chain-link perimeter fence (BMcD, 2017c). An institutional control (IC) was implemented to limit use at the T-37 location and at the consolidation cell area to industrial/commercial use only (EPA, 2019); these are the only two on-site locations with an IC, as well as the only locations restricted from residential use.

Containment

The ROD required on-site and off-site soil, sediment, and waste material to be excavated, contained, and capped into an on-site consolidation cell. Containment for the constructed cell consists of a natural low-flow migration barrier—highly impermeable clay—beneath the cell and a 2 ft thick compacted clay cap covered with 1 ft of vegetated soil (EPA, 2015). Capping prevents water infiltration that could create leachate and prevents transportation of wastes caused by erosion. Periodic inspections of the cap will continue to be conducted to ensure the integrity of the cap; the below section "IV. Summary of Operation and Maintenance Required" describes these inspections in more detail.

Operational and Functional Period

During the Operational and Functional (O&F) period, multiple issues were managed:

- RA construction demobilization (including review of contractor documents)
- Sampling result tabulation, validation, and evaluation for T-37 area
- Perimeter fence/signage integrity evaluation
- High-capacity drainage channel maintenance
- Vegetative growth improvements
- Groundwater monitoring events # 1–3 and development of associated reports
- Erosion maintenance
- Institutional controls development and filing
- Chicken litter fertilizer management
- Vegetation monitoring inspection and development of associated report
- Burrowing animal control within cell area

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- Final O&F Inspection
- Investigation derived waste disposal

The *Remedial Action Completion Report* was issued in July 2017. The report provides a detailed summary of RA activities, including site preparation, post-construction activities, deviations, and inspections (BMcD, 2017c).

Final Inspection

On November 8, 2017, a final O&F inspection was completed by the EPA, ODEQ and Burns & McDonnell Engineering Company, Inc. This inspection was documented by the *Final Operational and Functional (O&F) Inspection Technical Memorandum* (BMcD, 2017d), which focused on evaluation of the condition and effectiveness of the consolidation cell and associated Site drainage features, as well as documenting a final punch list of items to be addressed. The memo stated that the consolidation cell and associated drainage features are in good condition and functioning as intended and designed: backfill and grading operations continue to be effective in controlling Site drainage; the stability and integrity of the soil cover has been maintained with no visual signs of erosion or damage; the vegetative cover is well established; and other erosion control measures continue to be effective (BMcD, 2017d).

In addition, institutional controls (ICs) have been filed for the appropriate locations within the Site, current land use of the Site meets the requirements of the ICs, and current zoning of the Site and surrounding areas remain unchanged. These ICs were completed and filed as Notices of Remediation on property deeds in September 2017 with the Tulsa County Clerk to protect the remedy and physical structures—including groundwater monitoring wells and fencing—and to designate the consolidation cell area and 0.1-acre T-37 as areas where only industrial and commercial land uses are permitted. For more details on ICs, see section "Remedial Construction Activities" and Figures 2 & 3.

Table 2 in the Appendix contains a summary of the differences between the ROD and the ROD Amendment, including costs. The final remedial cost for the Site was approximately $5,700,000.

Reuse/Development

In the spring of 2019, after reaching an agreement with the property owner of the Site, a cooperative of local businesses installed honey bee hives on the Site to facilitate honey making operations. There is currently no concern that these product processes could negatively impact the integrity of the consolidation cell. The owner of the property and the proprietors of the honey bee hives are aware of the restrictions specified in the institutional controls (EPA, 2019). The presence of honey bees should facilitate pollination and provide ecological benefits to the surrounding area. In November 2019, members from the National Resources Conservation Service, ODEQ, and other conservationist groups visited the Site to conduct a reconnaissance and discuss the viability of seeding pollinator flowers on a portion of the Site to the north of the consolidation cell.

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III. MONITORING RESULTS

The 2017 *Remedial Action Completion Report* documents the results of soil and sediment confirmation sampling of locations where waste was excavated and consolidated on-site. The sample results demonstrate that the Remedial Action Objectives have been met. Tables 3–1 through 3–7 in the *Remedial Action Completion Report* contain the results of these confirmation samples (BMcD, 2017c). The confirmation sampling results can be concisely described as the following:

Exceedances:

- Residential property #1 to the northwest—sidewall where owner denied access
- Southernmost excavation area at sidewalls where coal is co-mingled and located inside U.S. Department of the Interior jurisdiction
- Main site sidewalls where Watco railroad company denied access
- Area T-37 sediment and surface soil where worker safety and heavy equipment considerations posed unworkability challenges and future construction is impracticable

No Exceedances:

- Church property to the north
- Residential property #1 to the northwest at depth (where sampling was allowed)
- Residential property #2 to the west
- Main site at depth and sediment

All on-site surface water was dewatered during the remedial action. The ROD did not require groundwater cleanup as part of the RA; however, to ensure that consolidation cell wastes continue to be properly contained, groundwater monitoring has been conducted as part of Operation and Maintenance activities (see section "IV. Summary of Operation and Maintenance Required").

IV. SUMMARY OF OPERATION AND MAINTENANCE REQUIRED

The ROD required long-term Operation and Maintenance (O&M) requirements to be implemented by ODEQ due to the contaminated wastes and materials that will remain on-site. An O&M plan for the Site is in effect (ODEQ, 2018a). ODEQ is responsible for conducting O&M activities on an annual basis or more frequently, if necessary. Site operational and functional activities and the first quarter of O&M were conducted by Burns and McDonnell Engineering Company, Inc. until ODEQ took over Site O&M in January 2018.

Long-term groundwater monitoring of lead, arsenic, and cadmium (the COCs associated with the contents of the consolidation cell) is required to determine if a failure in consolidation cell integrity has allowed COCs to leach and impact Site groundwater. Since the start of O&M in October 2017, no COCs have exceeded Safe Drinking Water Act (SDWA) maximum contaminant levels (MCL) in tests for dissolved phase metals in groundwater monitoring wells. In tests for total metals concentrations, only one exceedance of such numerical limits has occurred in a downgradient well when not accompanied by a similar concentration in the

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upgradient/background well: a slight exceedance in April 2018 for total arsenic.

Additional O&M activities include Site inspections for erosion, unauthorized property uses, and enforcement of the ICs. O&M activity may also include maintenance of the slopes through grading, seeding, or importing of backfill as needed. Maintenance of these slopes will provide continued slope support, continued drainage control, and continued vegetative growth.

Institutional Controls

All administrative tools have been implemented at the Tulsa Fuel and Manufacturing Superfund Site. Engineering controls are currently in place and must be maintained to ensure the integrity and protectiveness of the remedy: erosion controls, capped soil, surface water runoff grading, groundwater monitoring wells, and perimeter fencing.

Two deed notices were filed with the Tulsa County Clerk in September 2017. The deed notice for the adjacent property to the north of the Site contains no restrictions, but instead states that remediation activities at the property have been completed to allow for unrestricted use. The other deed notice (Figure 3) restricts use of the consolidation cell area and the southeast strip of land known as Area T-37, which is adjacent to the Watco-owned railroad, and includes the following restrictions:

- Consolidation cell area
    - Restrict damage to cell cap
        - No digging
        - No activities that will cause erosion of the soil
        - No erection of buildings
    - No residential, daily care, or preK–12 uses
    - Protect continued monitoring of groundwater as an indicator of consolidation cell integrity
    - Fencing and warning signs must be maintained
- T-37 area
    - Commercial/industrial use only

The 2019 *Tulsa Fuel and Manufacturing Superfund Site First Five-Year Review Report* contains a copy of the deed notice with the restrictions listed above (EPA, 2019). There are no land use restrictions required by the TFM remedy on any areas other than the restricted areas described above. Other institutional controls exist within the City of Collinsville and the nearby community due to ongoing remediation work through ODEQ's Collinsville Soil Program. See the online *Institutional Controls Web Viewer* at ODEQ's Land Protection Division website to identify other ICs (ODEQ, 2019). ODEQ maintains and enforces these institutional controls.

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V. DEMONSTRATION OF CLEANUP ACTIVITY QUALITY ASSURANCE AND QUALITY CONTROL

The EPA and ODEQ have reviewed the remedial action contract and construction for compliance with quality assurance and quality control (QA/QC) protocols. Construction activities at the Site were determined to be consistent with the ROD and adhered to the approved quality assurance plan, which incorporated all EPA and State requirements. Confirmatory inspections, independent testing, audits, and evaluations of materials and workmanship were performed in accordance with the technical specifications and plans. The EPA Remedial Project Manager and State regulators visited the Site during construction activities to review construction progress, and to examine and evaluate the results of QA/QC activities. No deviations or non-conformances to QA/QC protocols or specifications were identified. Appendix J of the *Remedial Action Completion Report* documents the implementation of construction quality assurance stipulations (BMcD, 2017c).

The construction quality assurance plan and quality assurance project plan incorporated all EPA and State QA/QC procedures and protocols (BMcD, 2014 and RSI, 2015). All monitoring equipment was calibrated and operated in accordance with the manufacturers' instructions. EPA analytical methods were used for all confirmation and monitoring of samples during RA activities. Contract laboratory program-like procedures and protocol were followed for soil, sediments, and water analyses during the RA using a private laboratory; data quality was generated with QA/QC procedures sufficient to meet its intended purpose.

VI. FIVE-YEAR REVIEW

TFM five-year reviews are required by statute because hazardous substances, pollutants, or contaminants remain at the Site within the consolidation cell. The first five-year review was completed for the remedial actions in September 2019. The implemented action taken at the Tulsa Fuel and Manufacturing Superfund Site was found to be protective of human health and the environment. The five-year review presented no issues or recommendations to address. The protectiveness determination for the *Tulsa Fuel and Manufacturing Superfund Site First Five-Year Review Report* follows (EPA, 2019):

> "The remedy implemented at the Site is currently protective of human health and the environment. Areas of the Site where waste was left in place remain below uncontaminated soil and vegetation continues to grow. Institutional controls are in place to restrict use and access at the consolidation cell area."

The next five-year review will be performed in 2024.

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VII. SITE COMPLETION CRITERIA

The implemented remedy achieves the degree of cleanup or protection specified in the 2008 ROD and the 2015 ROD Amendment for all pathways of public health or environmental risk exposure. All selected removal and remedial action objectives and associated cleanup goals are consistent with agency policy and guidance. This Site meets all the Site completion requirements as specified in OSWER Directive 9320.2-22, *Close Out Procedures for National Priorities List Sites*. All remedial activities at the Tulsa Fuel and Manufacturing Superfund Site are complete and the Site poses no unacceptable risk to human health or the environment. The only remaining CERCLA activities to be performed at the Site are O&M, monitoring, upkeep of documents at the site repository, and five-year reviews. Therefore, EPA has determined that no further response is necessary at the Tulsa Fuel and Manufacturing Superfund Site.

Approved By:

WREN STENGER

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Wren Stenger
Director
Superfund and Emergency Management

Date

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APPENDIX

Figure 1 – Site Map

Figure 2 – TFM Zoning and Institutional Controls

Figure 3 – Area T-37 and Consolidation Cell Map from Institutional Control

Table 1 – Cleanup Levels for Chemicals of Concern

Table 2 – Comparison of the Differences between the 2008 ROD and 2015 ROD Amendment

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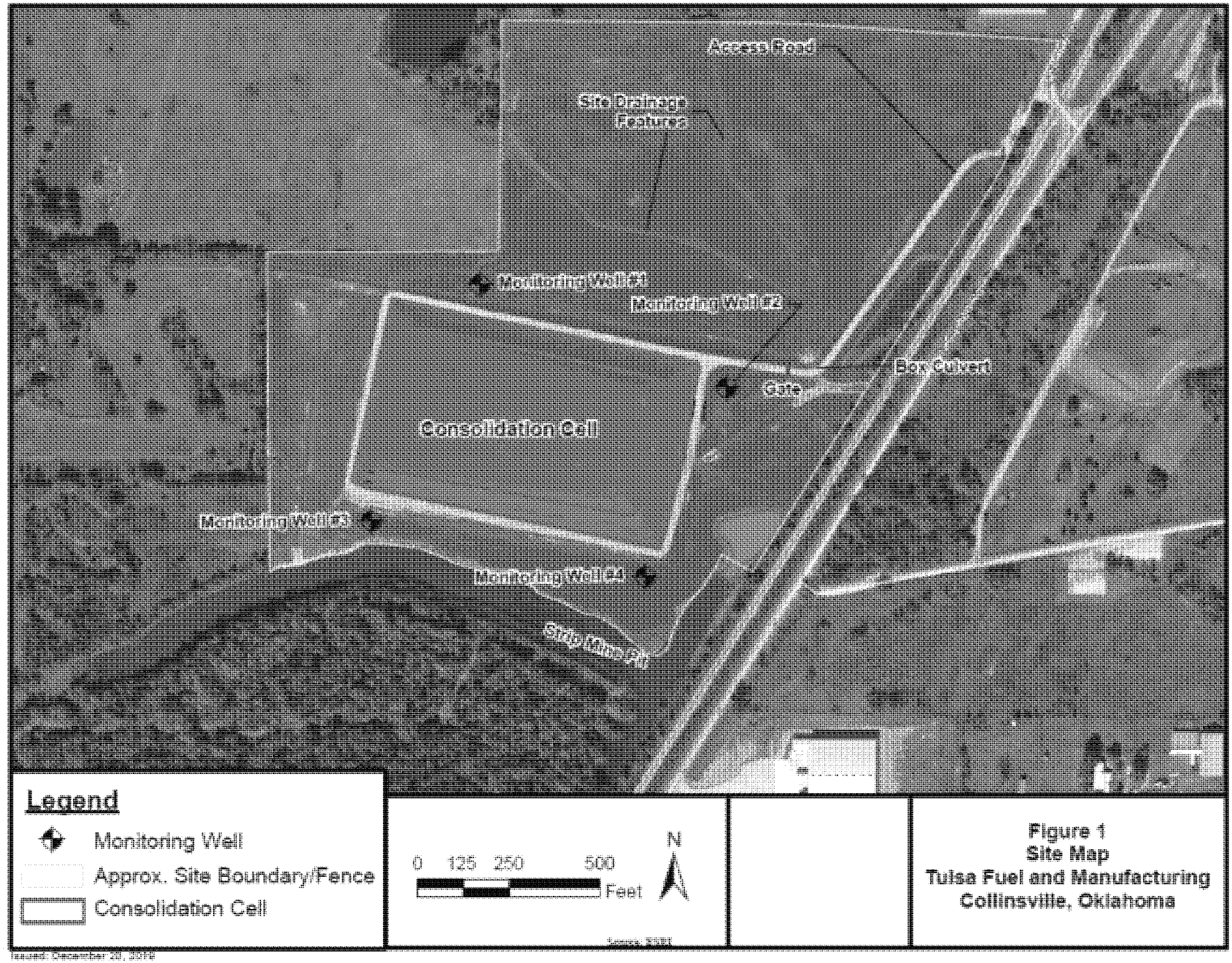

Figure 1
Site Map
Tulsa Fuel and Manufacturing
Collinsville, Oklahoma

Issued: December 28, 2016

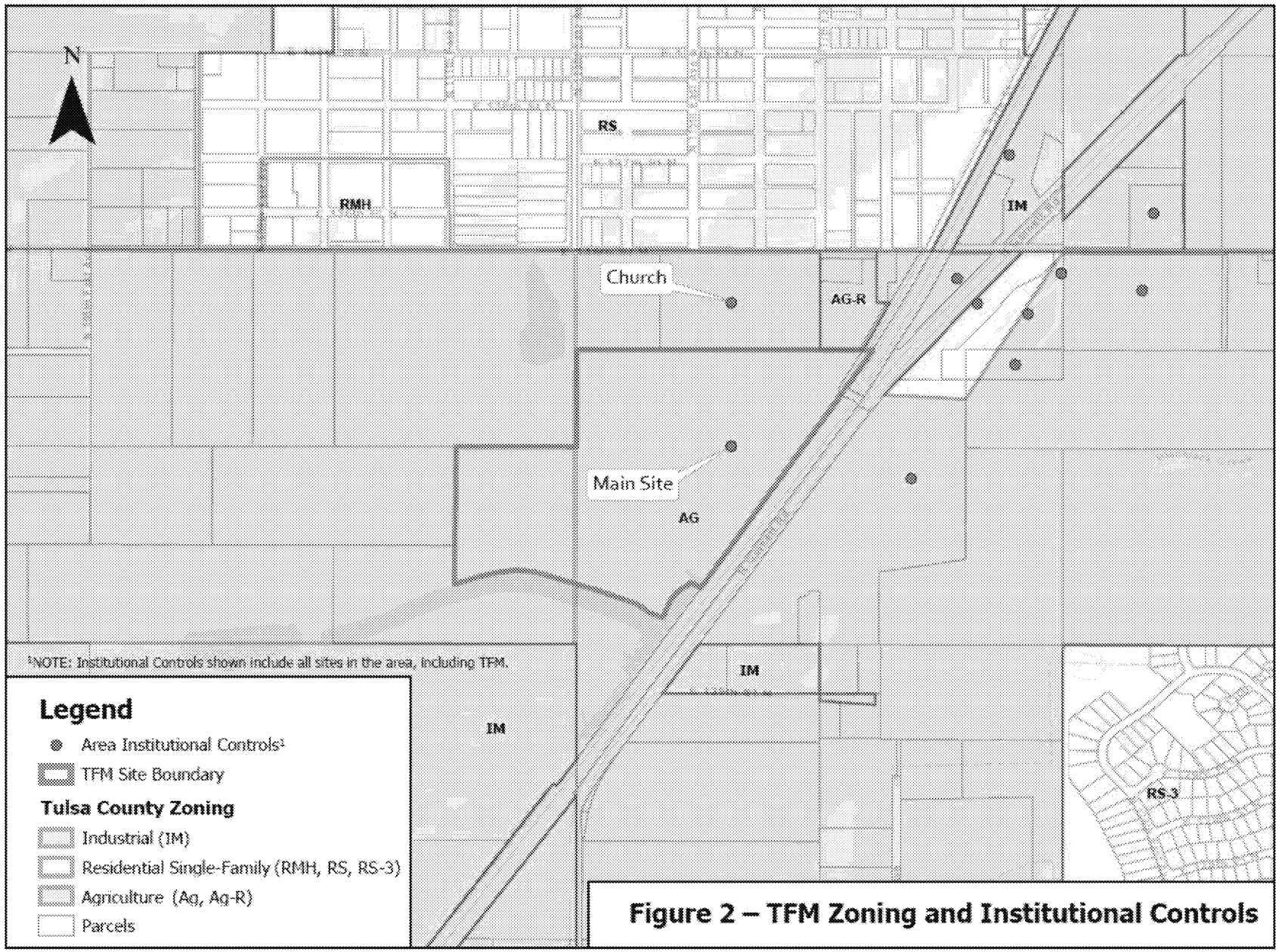

Figure 2 – TFM Zoning and Institutional Controls

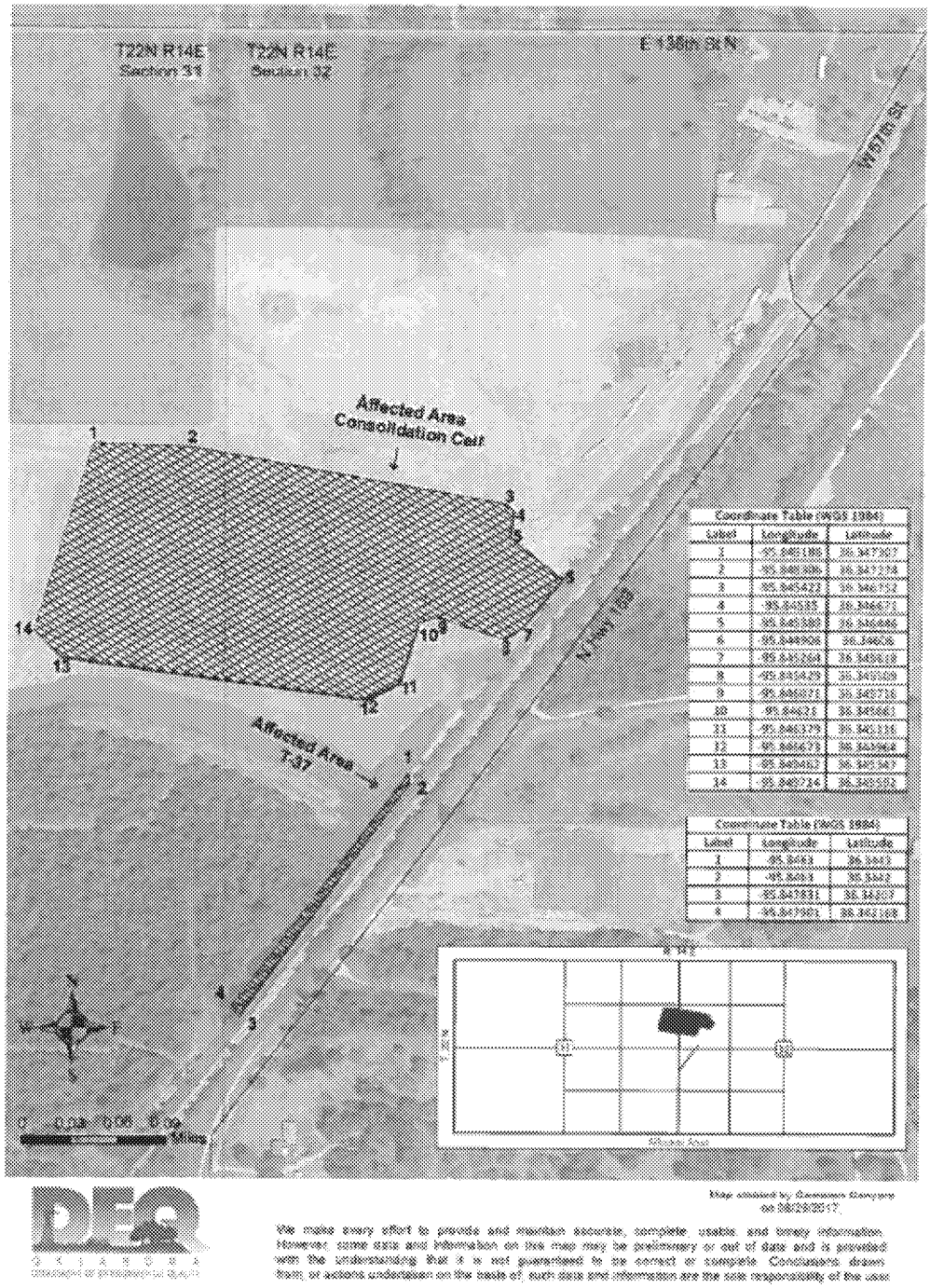

Figure 3 – Area T-37 and Consolidation Cell Map from Institutional Control

[2]Note – Figure 3 shows two areas of the site property that have further restrictions beyond agricultural zoning.

Table 1 – Cleanup Levels for Chemicals of Concern, Tulsa Fuel and Manufacturing Site			
Media: Soil **Site Area: On-Site Waste and Non-Waste Area** **Available Use: Residential**			
Chemical of Concern	**Cleanup Level** (mg/kg) or (ppm)	**Basis for Cleanup Level**	**Risk at Cleanup Level**
Arsenic	37	Human Health Risk Assessment	3.0E-05
Cadmium	75	Human Health Risk Assessment	3.0E-05
Lead	500	Human Health Risk Assessment	3.0E-05
Media: Soil **Site Area: On-Site Waste and Non-Waste Area** **Available Use: Non-Residential**			
Arsenic	200	Human Health Risk Assessment	3.0E-05
Cadmium	560	Human Health Risk Assessment	3.0E-05
Lead	1,000	Human Health Risk Assessment	3.0E-05
Media: Sediment **Site Area: On-Site Waste and Non-Waste Area** **Available Use: Residential/Non-Residential**			
Arsenic	181	Human Health Risk Assessment	3.0E-05
Cadmium	813	Human Health Risk Assessment	3.0E-05
Lead	500	Human Health Risk Assessment	3.0E-05
Media: Surface Water **Site Area: On-Site Waste and Non-Waste Area** **Available Use: Residential/Non-Residential**			
Chemical of Concern	**Cleanup Level** (µg/L) or (ppb)	**Basis for Cleanup Level**	**Risk at Cleanup Level**
Cadmium	238	Human Health Risk Assessment	3.0E-05
Reference: *EPA, 2008*			

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Table 2 – Comparison of the Differences Between the 2008 ROD and 2015 ROD Amendment			
Component	**2008 ROD**	**2015 ROD Amendment**	**Difference**
State regulation requiring five-foot vertical separation	Maintain a minimum five-foot vertical separation between waste and ground water per OAC 252:515-11-3	Separating waste from ground water during RA activities is unnecessary as RD data confirm COCs are immobile underneath the Site and not present in the groundwater.	No minimum five-foot vertical separation
Treatment of sediment	The sediment will be dewatered and stabilized, and excavated for loading and transport to the consolidation area	Treatment of sediments prior to placement in the consolidation area is unnecessary as RD data show (1) the presence of a native high-plasticity and low-permeability clay underlying the on-site landfill naturally binds heavy-metals and restricts contaminant migration to the groundwater; (2) groundwater is not impacted and low-permeability clays provide a natural low-flow migration barrier preventing contaminant migration to the groundwater; (3) groundwater is present beneath the bottom of the waste material and does not intersect the waste material; and (4) waste has the potential to mobilize with treatment. Additionally, the on-site Subtitle D landfill 3-foot cover will further limit contaminant mobility through containment and restrict water infiltration.	No treatment of sediments

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 31, 2020

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

MEMORANDUM

SUBJECT: Clarification of Superfund Actions or Decisions in the Remedial Process that May Require Tribal Consultation

FROM: James E. Woolford, Director
Office of Superfund Remediation and Technology Innovation

DANA STALCUP Digitally signed by DANA STALCUP Date: 2020.03.31 16:30:18 -04'00'

TO: Regional Superfund and Emergency Management Division Directors

Purpose

The purpose of this memorandum is to provide clarification to identify the circumstances in the Superfund remedial process under which the Region should consider whether site-specific consultation with a federally-recognized Indian tribe (tribe) that has expressed interest in a Superfund site is appropriate. This memorandum is primarily intended for sites that are not federal facilities.[1] The 2011 *EPA Policy on Consultation and Coordination with Indian Tribes* (2011 Tribal Consultation Policy) "establishes national guidelines and institutional controls for tribal consultation across EPA." The 2011 Tribal Consultation Policy states EPA's intention "is to consult with tribes when EPA actions and decisions may affect tribal interests." According to EPA's *Consulting with Indian Tribal Governments at Superfund sites (a beginner's booklet)* (OSWER-9200.3-42; November 2006), "[c]onsultation generally consists of meaningful and timely communication between EPA officials and tribal government officials in developing Agency actions that affect tribes. Consultation means open sharing of information, the full expression of tribal and EPA views, and a commitment to consider tribal views in decision-making, and respect for tribal self-government and sovereignty." EPA is also required to provide written feedback to explain how the tribe's input was considered in the final action.

[1] At federal facility sites, the other federal agency (OFA) is the lead agency for consultation with interested tribes, and that process would follow the OFA's consultation policy. EPA may play a crucial role in coordination and facilitation in the consultation process at those sites.

Examples of Superfund actions or decision points where EPA may consider offering tribal consultation include but are not limited to:

- Site proposals, finalizations to, and deferrals from the National Priorities List (NPL);
- Remedial investigation/feasibility studies (RI/FS);
- The development of proposed plans and decision documents including Records of Decision (RODs), ROD Amendments, Explanations of Significant Differences (ESDs), and Engineering Evaluation/Cost Analyses (EE/CAs); and
- Full or partial site deletions from the NPL.

In addition, consistent with the 2011 Tribal Consultation Policy, when tribal officials request consultation, EPA should attempt "to honor the tribal government's request with consideration of the nature of the activity, past consultation efforts, available resources, timing considerations, and all other relevant factors."

Background

In January 2019, the U.S. Government Accountability Office (GAO) issued a final report, *EPA Should Improve the Reliability of Data on National Priorities List Sites Affecting Indian Tribes* (GAO-19-123). The report: (1) examined the extent to which EPA has reliable data identifying National Priorities List (NPL) sites that are located on tribal property or that affect tribes; (2) examined the extent to which EPA has reliable data on the agency's consultation with tribes regarding NPL sites; and (3) described the actions EPA has taken to address the unique needs of tribes when making decisions about NPL cleanup actions. Although the report recognized the significant work that EPA already performs in collaborating and coordinating with tribes in the Superfund process, the report also recommended that OSRTI clarify agency guidance regarding tribal consultation for the Superfund program to clearly identify the circumstances under which the agency should consider consulting with tribes. In response, EPA committed to issuing a memorandum to the Regions that clarifies those points in the Superfund process under which regions may consider site-specific tribal consultation.

As identified by the Office of International and Tribal Affairs Superfund FAQ for the Tribal Consultation Opportunity Tracking System (TCOTS), there may be multiple points in the Superfund remedial process where EPA takes action or makes decisions that may be appropriate for consultation. EPA tracks all tribes with "Native American Interest" in a site in the Superfund Enterprise Management System (SEMS). (Please see Chapter V of the *Superfund Program Implementation Manual* for more information on associating a tribe to a site.) The Region should consider offering consultation to any tribes who are known to have interest in the site although not all tribes interested in a site may be impacted by each Agency action or decision at the site.

As stated above, the action or decision points in the Superfund process that necessitate tribal consultation may include:

- Site proposals, finalizations to, and deferrals from the NPL:
  A decision about whether a site is added to the NPL may have implications in terms of the remediation process, funding for the work, and tribal involvement in the cleanup at the site.

- RI/FS:
  Although the RI/FS process is not a discrete action or decision point, many of the components of the RI/FS process (such as the conceptual site model, human health and/or ecological risk assessments, use of traditional ecological knowledge[2], identification of historic cultural resources,[3] and scoping of remedial alternatives) have important implications for later decisions such as identifying applicable or relevant and appropriate requirements, establishing cleanup goals, and selecting a remedy. Thus, it may be appropriate to obtain formal tribal input on critical components of the RI/FS. The need for consultation during this stage should be determined based on site-specific circumstances as well as the level of coordination with tribes that has already occurred to this point.
- The development of proposed plans and decision documents including RODs, ROD Amendments, ESDs, and EE/CAs:
  Decision documents and any proposed plans that lead to them are important decision point milestones at a Superfund site that will determine both the level to which the contamination will be cleaned up and the remedy components that will be used. It may be possible that if the Region consults with a tribe on the proposed plan, additional consultation on the ROD that comes from it may not be necessary.
- Full or partial site deletions from the NPL:
  Deletion from the NPL is a decision point indicating EPA believes that no further response is required to protect human health or the environment. (It should be noted that even if a site is deleted from the NPL, there may be ongoing remedy operation and maintenance, monitoring, and/or five-year reviews at the site, so continued coordination and possible later consultation with a tribe may still be necessary.)

Ultimately, the region will determine whether consultation is necessary or appropriate at each of these points or at other site milestones based on the site circumstances and the tribes that are involved at the site. According to the 2011 Tribal Consultation Policy, "The final decision on consultation is normally made after examining the complexity of the activity, its implications for tribes, time and/or resource constraints, an initial identification of the potentially affected tribe(s), application of the mechanisms for identifying matters for consultation…and interaction with tribal partnership groups and tribal governments." Therefore, the decision to consult with a tribe at any given point in the Superfund remedial process must be made by the Remedial Project Manager in consultation with regional management and the regional Superfund Tribal Coordinator[4] and in accordance with the 2011 Tribal Consultation Policy.

A tribe may decline an offer of consultation. Nevertheless, all completed consultations and declined offers of consultation must be documented in TCOTS at tcots.epa.gov. Although repeated consultation with a tribe may be necessary throughout the Superfund process, each consultation should focus on a single site-specific action or decision and have a discrete start and

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[2] See *Consideration of Tribal Treaty Rights and Traditional Ecological Knowledge in the Superfund Remedial Program* (OLEM 9200.2-177)

[3] Refer to Section 106 of the National Historic Preservation Act (36 CFR 800) for requirements for consultation with Tribal Historic Preservation Officers concerning the potential for an adverse impact from remedial decisions at Superfund sites that are located on tribal land or when a tribe attaches religious or cultural significance to the historic property, regardless of the property's location. This may include pre-contact ancestral lands.

[4] For the Superfund Tribal Coordinator in your region, please see: https://www.epa.gov/superfund/remedial-program-indian-country

end date. A TCOTS entry should document a single consultation, not encompass repeated consultation efforts and continual coordination that occurs over the life of a Superfund site.

If you have any questions, please contact the OSRTI Tribal Coordinators, Christine Poore (poore.christine @epa.gov or 703-603-9022) or Amanda Van Epps (vanepps.amanda@epa.gov or 703-603-8855).

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United States Environmental Protection Agency

May 2015

CONSULTATION AND COORDINATION WITH FEDERALLY RECOGNIZED INDIAN TRIBES

EPA Region 6
Consultation and Coordination Procedures

Office of Environmental Justice and Tribal Affairs
1445 Ross Avenue, Suite 1200, Dallas, TX 75202
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Introduction

Purpose and Scope

EPA's National Tribal Consultation Policy is to consult on a government-to-government basis with federally recognized Tribal governments when EPA actions and decisions may affect a Tribe. The *EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011)* ("EPA Tribal Consultation Policy") establishes national guidelines and institutional controls for consultation across EPA. The Region 6 Tribal Consultation and Coordination Procedures ("Procedures") are consistent with the agency-wide consultation policy, but include more specific guidelines for the consultation process to increase the effectiveness of working with Tribes in Region 6.

These Procedures do not supersede any EPA agency-wide consultation policies or procedures, or those developed by individual Tribes. These Procedures do not replace individual EPA-Tribal memoranda of agreement, consultation plans, Tribal Environmental Agreements (TEAs), or other specific agreements between Region 6 and a Tribe or Tribes. These Procedures do not apply to the Region 6 formal civil enforcement process or consultations initiated by EPA Headquarters. Primary guidance on consultation on civil compliance monitoring and enforcement actions is found in the *Guidance on the Enforcement Priorities Outlined in the 1984 Indian Policy, Questions and Answers on the Tribal Enforcement Process* and the *Region 6 Guidance on Compliance Monitoring,* and *Compliance Assistance, and Civil Enforcement at Tribal Facilities*.

For Tribal consultation regarding Superfund activities, discuss with the Region 6 Tribal Consultation Advisor as early as possible. Additional information is available in *Consulting with Indian Tribal Governments at Superfund Sites: A Beginner's Booklet* at http://www.epa.gov/superfund/partners/osrti/booklet_text.htm. This supplemental information does not supersede the EPA Tribal Consultation Policy or these Procedures.

Definitions

EPA's National Tribal Consultation Policy provides the following definitions:

Consultation is a process of meaningful communication and coordination between EPA and Tribal officials that begins prior to EPA taking actions or implementing decisions that may affect Tribes. As a process, consultation includes several methods of interaction that may occur at different levels.

Tribal Consultation Advisors **(TCAs)** are the in-office subject matter experts that assist staff and management in the implementation of the EPA Tribal Consultation Policy. TCAs assist in identifying matters appropriate for consultation and prepare summary information on consultation activities and provide it to AIEO. TCAs receive and provide advice within their respective program offices and regions on what actions may be appropriate for consultation. TCAs also serve as a point-of-contact for EPA staff, Tribal governments, and other parties interested in the consultation process. For Region 6, the TCA is the Office of Environmental Justice and Tribal Affairs Director or Designee.

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1. The Consultation Process

Tribal Consultation may commence when Tribal officials request consultation as well as when EPA identifies matters appropriate for consultation. EPA honors the Tribal government's request with consideration of the nature of the activity, past consultation efforts, available resources, timing considerations, and all other relevant factors. The appropriate level of interaction initiated by Region 6 is determined by past and current practices, with adjustments made as needed consistent with the EPA Tribal Consultation Policy.

Tribal Consultation at EPA consists of four phases:

- Identification
- Notification
- Input
- Follow-up

1.1 Identification Phase

During the identification phase, EPA identifies activities that may be appropriate for consultation. The identification phase should include a determination of the complexity of the activity, its potential implications for Tribes, and any time and/or resource constraints relevant to the consultation process. This phase should also include an initial identification of the potentially affected Tribe(s).

A wide range of EPA Region 6 activities are appropriate for consultation under the EPA Tribal Consultation Policy. Regional activities may include the development of regulations, rules, permits, guidance documents, policies, directives, budget and priority planning development, legislative comments, civil enforcement and compliance monitoring actions, response actions and emergency preparedness, state or Tribal authorizations or delegations, and EPA activities in implementation of United States' obligations under an international treaty or agreement. The EPA Tribal Consultation Policy makes clear that certain actions, such as legislative comments and EPA's enforcement authorities, may be subject to policy and time constraints. EPA Region 6 defines "actions" as regulatory or policy decisions, but not necessarily every step taken within a decision-making process.

1.1.2 Activities Not Subject to Consultation

Routine administrative and staff-to-staff level interactions occur between EPA Region 6 and Tribal government employees on a regular basis. The EPA Tribal Consultation Policy is not intended to apply to these regular, ongoing interactions. These include grantee-project officer discussions, requests for publically available information, grant funding decisions, review of progress reports, programmatic evaluations with the Tribe and other routine communications. In addition, there are some areas of EPA Region 6's operations that are not appropriate for consultations. These include strictly internal Agency operations (activities and decisions related to staffing, personnel, and human capital management; oversight of contractor performance under Agency-issued contracts; administration of the Agency's working capital funds, etc.). This also includes areas where the Agency lacks discretion (e.g., congressionally mandated time lines, actions, or other requirements; Agency response to court orders; and privileged or confidential Agency activities).

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1.2 Notification Phase

Once the appropriate EPA Region 6 Division and TCA determine that consultation is warranted, EPA Region 6 shall send a letter to the appropriate Tribal government(s) either offering to consult or initiating consultation. The notification phase should precede any public comment period associated with the proposed activity by at least 30 days. EPA Region 6 strives to notify a Tribe or Tribes of the opportunity to consult as early as possible to enhance meaningful discussion.

1.2.1 EPA Consultation Outreach

Once the appropriate EPA Region 6 Division and TCA determine that an action may affect a Tribe(s), EPA Region 6 shall send a letter notifying Tribal government(s) of the opportunity to consult with EPA.

Invitations To Consult (Notification): Working with the TCA, the appropriate Division/ program staff will draft an invitation letter to the Tribal leader(s) for the Division Director's signature, with the TCA's concurrence.

The letter should:

- Be addressed to the Tribal Leader, with a copy to the Tribe's program staff, and bcc to the appropriate Division and the TCA;
- Be signed by the appropriate Division Director or the Regional Administrator;
- Describe the issue at hand clearly, avoiding or clearly defining legal and technical terms and acronyms;
- Provide maps, technical data, and other explanatory or supporting information as appropriate and available;
- Relay process timelines and schedule considerations;
- Identify the EPA Region 6 point of contact whom the Tribe may contact to seek additional information;
- Request that the Tribe(s) respond in writing to the Division or TCA, within a specified timeframe indicating whether or not the Tribe(s) wants to pursue consultation and indicate that if no response is received, EPA will assume the Tribe has declined consultation;
- If appropriate, request the Tribe(s) identify an official representative who will serve as the Tribal point of contact for planning the consultation and/or coordination activities and authority to speak on behalf of the Tribe during the consultation, if not Tribal leadership;
- Include summary factsheet with brief statement of action to enable Tribal environmental staff to brief Tribal leadership as appropriate.

***Response To Request For Consultation*:** In cases where a Tribe has addressed a letter to the Regional Administrator requesting consultation, the appropriate Division/program staff, in coordination with the TCA, will draft a response letter for the Regional Administrator's signature. The Division should circulate that letter for review, comment and concurrence by the TCA, External Affairs and the appropriate Division Director, and Office of Regional Counsel.

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The letter should:

- Be addressed to the Tribal Leader with a copy to the Tribe's program staff (e.g. Environmental Director);
- Have the concurrences of the TCA, OEJTA Director, Division Director, External Affairs and the Regional Counsel;
- Be signed by the Regional Administrator;
- If requested, provide maps, technical data, and other explanatory or supporting information as appropriate and available;
- Relay process timelines and schedule considerations;
- Identify the EPA Region 6 point of contact whom the Tribe may contact to seek additional information;
- If appropriate, request that the Tribe (s) identify an official representative who will serve as the Tribal point of contact for planning the consultation and/or coordination activities and may also be able to speak on behalf of the Tribe during the consultation, if not Tribal leadership

1.2.2 Consultation with Small Number of Tribes

When EPA Region 6 has determined that consultation is appropriate and that more than one Tribe may be affected, the appropriate Division and TCA shall work together to develop an approach to consultation. The same protocol above will be applicable in addition to terms to be negotiated, depending on available resources, which may include:

- Whether the consultation will be conducted in a meeting, conference calls, or other appropriate interactions depending upon specific circumstances involved;
- The timing and location (s) of the interactions;
- The overall goal or desired outcome of the consultation for each party;
- What issues related to the proposed action will be the focus of the consultation;
- Representatives that will participate on behalf of EPA Region 6 and the Tribe; and
- Timetable for the consultation (e.g., start and end dates of the consultation period, anticipated meeting dates, and other dates relevant to the EPA action such as public comment periods).

1.2.3 Consultation with All or Large Number of Tribes

When a larger group of Tribes or all Tribes in EPA Region 6 could potentially be affected by an action, a notification letter engaging those Tribes in consultation is extended to the large group of Tribes or all Tribes in EPA Region 6 in accordance with section 1.2.1 above. EPA Region 6 will work to ensure consultations carried out with all or a large number of Tribes are done in a mutually agreeable and meaningful method, including but not limited to centralized locations in areas close to many of the Tribes.

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1.2.5 If a Tribe(s) Declines to Consult

If a Tribe(s) indicates it does not wish to consult on a particular matter, EPA consultation efforts are normally concluded. This does not relieve EPA Region 6 of any trust responsibility it may have or the obligation to reinitiate consultation efforts in the future if changes warrant such action.

The TCA will enter the relevant data into the Tribal Consultation Opportunities Tracking System (TCOTS) for tracking purposes. Enforcement and compliance issues where a Tribe is a respondent will not be entered in TCOTS .

1.3 Input Phase

During the Input Phase, tribes provide input to EPA Region 6 on the consultation matter. This phase may include a range of interactions including written and oral communications including exchanges of information, phone calls, meetings, and other appropriate interactions depending upon the specific circumstances involved.

1.3.1 Coordination

Working in coordination with the TCA, regional and Tribal staff discuss consultation meeting logistics such as location, date, time, agenda items and expected attendees from EPA and the Tribe. Additionally, information needs related to the issue being consulted on should be identified, such as the dissemination of technical documents such as maps or monitoring data, legislative notices, judicial decisions or orders, and other relevant information. Informal outreach like websites, webinars, Tribal organizational meetings and Tribal conferences may be used to further discussions of issues as part of the consultation process to ensure Tribes have adequate information to formulate a position; however, such informal communications do not constitute or substitute for consultation with Tribal governments. There may also be occasions where EPA Region 6 coordinates with other EPA regions on consultations with Tribes that may have concerns across more than one region.

1.3.2 Consultation

Open dialogue between the Region and the Tribe(s) is expected during the input phase. Technical staff from the Region may also be available to answer questions directly from Tribal leadership during the consultation.

During Consultation
EPA Region 6 and the Tribe:

- Discuss how the action originated;
- Discuss how the Tribe may be impacted;
- Identify any technical and/or funding assistance that the Region may be able to provide, if relevant;
- EPA listens to the input from the Tribe and considers effects of the proposed action through a meaningful dialogue with Tribal leadership and

Following the initial consultation meeting and to the extent allowed by law, EPA Region 6 will take Tribal comments and concerns under consideration and work to address these issues. This may include the need to undertake subsequent rounds of consultation to address unresolved questions, provide additional technical information, update the Tribe on significant changes in the originally proposed activity, or to address new issues that may arise.

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1.4 Follow-Up Phase

During the follow-up phase, EPA Region 6 provides feedback to the Tribe(s) involved in the consultation to explain how their input was considered in the final action.

1.4.1 Considering Tribal Input

The Division Director and staff, in collaboration with the TCA and Office of Regional Counsel, will consider the Tribal input, weighing how program decisions can or should address the concerns raised by a Tribe or Tribes. To the fullest extent allowed by law and policy, EPA Region 6 will incorporate the input of the Tribe(s).

1.4.2 Responding to Tribal Concerns and Closing out the Consultation Process

A written response to the concerns raised by the Tribe(s) during consultation should be drafted by the Division, with concurrence by the TCA and the Office of Regional Counsel (if necessary), and signed by the appropriate Division Director, or the Regional Administrator when appropriate. For consultations requiring subsequent meetings, the written response will identify any follow up action items resulting from the meeting. The response letter will explain how EPA Region 6 considered the input from the Tribe(s) in its final decision.

For issues or concerns that are beyond the scope or subject matter of the consultation, a response acknowledging the issues or concerns should be included. This response letter will be sent to the Tribal leader or the Tribe's designated representative for the consultation, with a copy to the TCA.

2. Documentation and Reporting

2.1 Division

The Division Lead maintains digital and paper project or site files for each consultation, which may include:

- Letters or emails inviting Tribe(s) to consult and responses from Tribe(s) or follow-up actions by EPA Region 6;
- Consultation schedule, fact sheets, issues list, agenda for consultation meeting(s);
- Notes from any meetings, conference calls, webinars, or video conferences, including names of all participants for the Tribe(s) and EPA Region 6;
- EPA Region 6's written responses to concerns raised by the Tribe(s) throughout the consultation process; and
- Close out letter(s) explaining EPA Region 6's final decision on consultation.

Digital copies of all consultation correspondence shall also be stored in the EPA Region 6 Tribal Consultation folder located on the regional share drive.

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2.2 Required Reporting

As outlined in the EPA Tribal Consultation Policy, EPA American Indian Environmental Office (AIEO) submits annual progress reports to the Office of Management and Budget in June of each year on the status of the consultation process and actions on which consultation occurred, as well as plans for consultation on Agency actions in the coming year.

To facilitate submission of the annual progress reports, EPA Region 6 is required to provide a report of anticipated consultations by October 1 and April 1 of each year using the Tribal Consultation Opportunities Tracking System. This requirement is pursuant to the November 5, 2009 Presidential Memorandum directing all executive departments and agencies to develop a detailed plan of action to implement Executive Order 13175, Consultation and Coordination with Indian Tribes. Tribal consultations will be entered in the Tribal Consultation Opportunities Tracking System (TCOTS) by the TCA and tracked accordingly until conclusion of the consultation[1]. The TCA will also maintain internal records for consultation invitations not accepted by the Tribe(s) but that were offered. Each EPA Region 6 Division that participates in consultation activities must provide (in a form to be agreed upon by the Division Director and TCA) a list of potential or projected consultations to the TCA by September 1 and March 1 of each year. After management review and approval, the TCA submits the semi-annual consultation plans to AIEO.

3. Historical or Archaeological Resources

These procedures do not govern or necessarily relate to consultations that may occur with a Tribe pursuant to other statutes regarding historical or archaeological resources. For example, consultations pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA) will be conducted in accordance with the requirements of that statute and implementing regulations. EPA understands that consultations under NHPA or other laws such as the Native American Graves Protection and Repatriation Act of 1990 or the National Environmental Policy Act (NEPA) may have requirements that overlap with a consultation under the EPA Tribal Consultation Policy. In these instances, EPA program staff should also work with the Region 6 Tribal law advisor/cross-cutting law attorney to ensure that Tribal consultations are conducted in a way that ensures compliance with any additional federal statutory requirements for protected resources.

[1] Certain compliance monitoring and enforcement activities are not included in TCOTs.

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Region 6 Consultation and Coordination Process

IDENTIFICATION PHASE

Region 6 or Tribe(s) Identify Actions Which May Affect a Tribe or Tribes

Division/ Program and TCA Identify Actions

Tribe Identifies Action or Issues and Requests Consultation

Coordination with Tribes, Partnerships & Workgroups (e.g. RTOC)

NOTIFICATION PHASE

Region 6 notifies Tribes of proposed EPA action and opportunity to consult on the action OR responds to Tribe's request for consultation.

Division and TCA Develop Consultation Notification, Plan and Timeline

Notification Includes

- Point of Contact
- Factsheet and background info on Agency activity/action
- Anticipated Time Frame for Process
- Maps, technical information or other appropriate supporting information

INPUT PHASE

EPA Engages With Interested Tribes through Consultation

- Conference Calls
- In-Person Meeting
- Other preferred method

- Coordination and information among EPA and Tribal staff throughout process
- May include more than one meeting

FOLLOW UP PHASE

EPA Follows Up With Letter to Consulting Tribes on Final Agency Decision and How Tribes' Input Considered

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Federally Recognized Indian Tribes of EPA Region 6

Louisiana

Chitimacha Tribe of Louisiana
Coushatta Tribe of Louisiana
Jena Band of Choctaw Indians
Tunica-Biloxi Indians of Louisiana

Texas

Alabama-Coushatta Tribe of Texas
Ysleta del Sur Pueblo of Texas
Kickapoo Traditional Tribe of Texas

New Mexico

Pueblo of Acoma
Pueblo of Isleta
Jicarilla Apache Nation
Pueblo of Laguna
Pueblo of Nambe
Pueblo of Pojoaque
Pueblo of Santa Ana
Pueblo of San Ildefonso
Pueblo of Santa Clara
Pueblo of Tesuque
Zuni Tribe
Pueblo of Cochiti
Pueblo of Jemez
Pueblo of Santo Domingo
Mescalero Apache Tribe
Pueblo of Picuris
Pueblo of Sandia
Pueblo of San Felipe
Ohkay Owingeh
Pueblo of Taos
Pueblo of Zia

Oklahoma

Absentee-Shawnee Tribe
Apache Tribe
Cherokee Nation
Chickasaw Nation
Citizen Potawatomi Nation
Delaware Nation
Eastern Shawnee Tribe
Iowa Tribe
Kialegee Tribal Town
Kiowa Indian Tribe
Modoc Tribe
Osage Nation
Ottawa Tribe
Peoria Tribe of Indians
Quapaw Tribe
Seminole Nation
Shawnee Tribe
Tonkawa Tribe of Indians
Wichita and Affiliated Tribes
Alabama-Quassarte Tribal Town
Caddo Nation
Cheyenne and Arapaho Tribes
Choctaw Nation
Comanche Nation
Delaware Tribe of Indians
Fort Sill Apache Tribe
Kaw Nation
Kickapoo Tribe
Miami Tribe
Muscogee (Creek) Nation
Otoe-Missouria Nation
Pawnee Nation
Ponca Tribe of Indians
Sac & Fox Nation
Seneca-Cayuga Tribe
Thlopthlocco Tribal Town
United Keetoowah Band of Cherokee
Wyandotte Nation

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Tulsa Fuel and Manufacturing NPL Superfund Site Deletion Tribal Consultation
Cherokee Nation and U.S. EPA Region 6
June 3, 2020
2:30 –3:15pm CDT
Conference Number: 210-469-3886 Code 953 668 452

Agenda

- Welcome
- Introductions
- Opening Remarks, Goals for this Meeting – Secretary of Natural Resources Chad Harsha and Regional Administrator Ken McQueen
- Overview of Action
- Discussion Items
  - Future plans for waste identification from the Collinsville and Tulsa Fuel and Manufacturing Sites located off the TFM site.
  - Potential impacts to legal claims resulting from delisting of the site.
  - Criteria for determining tribal participation in the Tribal Consultation Process for Superfund sites.
  - Elements of the Superfund delisting process that provides input from the general public residing in communities located near site.
- Next Steps

Cherokee Nation Attendees:
Chad Harsha, Secretary of Natural Resources
Wayne Isaacs, Senior Director, Environmental Programs

U.S. Environmental Protection Agency Region 6 Attendees
Ken McQueen, Regional Administrator
David Gray, Deputy Regional Administrator
Stephen Tatum, Chief of Staff
Wren Stenger, Director, Superfund and Emergency Management Division
Arturo Blanco, Director, Office of Communities, Tribes and Environmental Assessment
Lisa Price, Deputy Director, Superfund and Emergency Management Division
Gerardo Acosta, Staff Director, Office of Communities, Tribes and Environmental Assessment
John Meyer, Remedial Branch Chief, Superfund and Emergency Management Division
Blake Atkins, Section Chief, Superfund and Emergency Management Division
I-Jung Chiang, Superfund Branch Chief, Office of Regional Counsel
Tina Alvarado, Tribal Law Advisor, Office of Regional Counsel
Elizabeth Pletan, Superfund Branch, Office of Regional Counsel
Randy Gee, Team Leader, Office of Communities, Tribes and Environmental Assessment

Message

From: Jones, Marjorie A [jones.marjorieA@epa.gov]
Sent: 11/23/2018 4:28:12 PM
To: patrick.stevens@wisconsin.gov; Beckmann, Ronna Erin [beckmann.ronna@epa.gov]; Deamer, Eileen [deamer.eileen@epa.gov]; Dee, Rhiannon [dee.Rhiannon@epa.gov]; Fortin, Denise [Fortin.Denise@epa.gov]; Jencius, Morgan [jencius.morgan@epa.gov]; Kelley, Jeff [kelley.jeff@epa.gov]; Martinez, Isidra [Martinez.Isidra@epa.gov]; Reshkin, Karen [Reshkin.Karen@epa.gov]; Rowan, Anne [rowan.anne@epa.gov]; Stepp, Cathy [stepp.cathy@epa.gov]; Thiede, Kurt [thiede.kurt@epa.gov]; Williams, Felicia [Williams.Felicia@epa.gov]
Subject: weeklyreportNov23.doc
Attachments: weeklyreportNov23.doc

Weekly Report to the Regional Administrator
for the week ending November 23, 2018

Ex. 5 Deliberative Process (DP)

Expected Announcements

Ex. 5 Deliberative Process (DP)

- Partial NPL delisting at Beloit Superfund site in Rockton, Ill., press release/social media/notifications, TBD

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Fassbender, Judy L - DNR [Judy.Fassbender@wisconsin.gov]
Sent: 7/16/2020 6:53:13 PM
To: Thiede, Kurt [thiede.kurt@epa.gov]
CC: Fischer, Timothy [Fischer.Timothy@epa.gov]; Cibulskis, Karen [cibulskis.karen@epa.gov]
Subject: State Concurrence for Scrap Processing NPL Deletion
Attachments: Medford - Concurrence Letter.pdf

Regional Administrator Thiede,

Wisconsin is pleased to provide our concurrence for the proposed deletion of the Scrap Processing site from the National Priorities List. Our concurrence letter is attached. Please don't hesitate to contact me if you need additional information.

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Judy Fassbender
Chief, Policy and Technical Resources Section
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
101 south Webster Street, Box7921 (RR/5)
Madison, WI 53707-7921
Phone: (608) 266-7278
Cell Phone: (414)507-5571
Judy.Fassbender@Wisconsin.gov

dnr.wi.gov

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

July 16, 2020

Kurt Thiede, Administrator
U. S. Environmental Protection Agency
77 West Jackson Street
Chicago IL 60604

Subject: Wisconsin Department of Natural Resources Concurrence with Scrap Processing Proposed NPL Deletion

Dear Mr. Thiede:

Pursuant to Section 300.42(e) of the National Contingency Plan, this letter is to inform you that the Wisconsin Department of Natural Resources concurs with the U.S. EPA on the proposed deletion of the Scrap Processing site from the National Priorities List. This concurrence is based on the fact that all required response actions under CERCLA have been implemented, and no further response action is appropriate.

If you have any questions, please contact Carrie Stoltz at (715) 365-8942 or Carrie.Stoltz@wisconsin.gov.

Sincerely,

Beth Bier

Beth Bier, Deputy Secretary
Wisconsin Department of Natural Resources

ec: Karen Cibulski – Region 5
Christine Haag – RR/5

Message

From: Kim, John J. [John.J.Kim@Illinois.gov]
Sent: 6/4/2020 3:26:08 PM
To: Thiede, Kurt [thiede.kurt@epa.gov]
CC: Fischer, Timothy [Fischer.Timothy@epa.gov]; Short, Thomas [short.thomas@epa.gov]; Ballotti, Doug [ballotti.douglas@epa.gov]; Hewitt, Jason [Hewitt.Jason@epa.gov]; Newton, Cheryl [Newton.Cheryl@epa.gov]; Liebau, Joseph [Liebau.Joseph@epa.gov]; Williams, Felicia [Williams.Felicia@epa.gov]
Subject: RE: Response to Illinois EPA Deletion Concurrence Letters

Kurt,

Thank you for the kind words. I agree, state and federal cooperation and efforts are always key, and in this particular instance have been very successful. We appreciate all the hard work put forth by USEPA as well, and look forward to continued good relations in other matters of shared interest and responsibility.

John

From: Thiede, Kurt <thiede.kurt@epa.gov>
Sent: Thursday, June 4, 2020 10:22 AM
To: Kim, John J. <John.J.Kim@Illinois.gov>
Cc: Fischer, Timothy <Fischer.Timothy@epa.gov>; Short, Thomas <short.thomas@epa.gov>; Ballotti, Doug <ballotti.douglas@epa.gov>; Hewitt, Jason <Hewitt.Jason@epa.gov>; Newton, Cheryl <Newton.Cheryl@epa.gov>; Liebau, Joseph <Liebau.Joseph@epa.gov>; Williams, Felicia <Williams.Felicia@epa.gov>
Subject: [External] FW: Response to Illinois EPA Deletion Concurrence Letters

John,

Thank you very much for your letters regarding the partial deletion of Source Area 4 from the Southeast Rockford Groundwater Contamination site in Rockford, IL and the deletion of the DuPage County/Blackwell Forest Preserve Landfill site in Warrenville, IL . As you know, the deletion and partial deletion of sites to facilitate redevelopment and reuse is a high priority for our Superfund program nationwide. I wanted to express my sincere appreciation for the great working relationship we have forged with IEPA over the years at both of these sites. In particular, the leadership that IEPA has shown in implementing the investigation and cleanup work at the Southeast Rockford site under the EPA-funded Cooperative Agreement has been exceptional. The state's willingness to take on that responsibility has been essential to the success we have achieved to date. Through all of the important work performed at these two sites, EPA has relied on the technical expertise and partnered communication from IEPA to achieve progress and build trust with the surrounding community. We are truly grateful for the tremendous efforts of your site team and we share with you in this important achievement.

Kurt

Kurt A. Thiede
Regional Administrator
U.S. EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-3000
thiede.kurt@epa.gov

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Message

From: Thiede, Kurt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3CC09FAC5ACC4CE1BA689FB2CE70D459-THIEDE, KUR]
Sent: 6/4/2020 3:21:39 PM
To: Kim, John J. [John.J.Kim@Illinois.gov]
CC: Fischer, Timothy [Fischer.Timothy@epa.gov]; Short, Thomas [short.thomas@epa.gov]; Ballotti, Doug [ballotti.douglas@epa.gov]; Hewitt, Jason [Hewitt.Jason@epa.gov]; Newton, Cheryl [Newton.Cheryl@epa.gov]; Liebau, Joseph [Liebau.Joseph@epa.gov]; Felicia Williams [Williams.Felicia@epa.gov]
Subject: FW: Response to Illinois EPA Deletion Concurrence Letters
Attachments: Southeast Rockford IEPA Concurrence.pdf; Blackwell Forest Preserve IEPA Concurrence.pdf

John,

Thank you very much for your letters regarding the partial deletion of Source Area 4 from the Southeast Rockford Groundwater Contamination site in Rockford, IL and the deletion of the DuPage County/Blackwell Forest Preserve Landfill site in Warrenville, IL . As you know, the deletion and partial deletion of sites to facilitate redevelopment and reuse is a high priority for our Superfund program nationwide. I wanted to express my sincere appreciation for the great working relationship we have forged with IEPA over the years at both of these sites. In particular, the leadership that IEPA has shown in implementing the investigation and cleanup work at the Southeast Rockford site under the EPA-funded Cooperative Agreement has been exceptional. The state's willingness to take on that responsibility has been essential to the success we have achieved to date. Through all of the important work performed at these two sites, EPA has relied on the technical expertise and partnered communication from IEPA to achieve progress and build trust with the surrounding community. We are truly grateful for the tremendous efforts of your site team and we share with you in this important achievement.

Kurt

Kurt A. Thiede
Regional Administrator
U.S. EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-3000
thiede.kurt@epa.gov

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397
JB PRITZKER, GOVERNOR JOHN J. KIM, DIRECTOR

(217) 782-3397

May 8, 2020

Mr. Kurt Thiede
Regional Administrator, Region 5
United States Environmental Protection Agency
77 West Jackson Boulevard
Mail Code: SR-6J
Chicago, Illinois 60604-3590

Re: 2010300074 – Winnebago County
Southeast Rockford Groundwater Contamination NPL Site, Area 4
National Priorities List Site Partial Deletion
Superfund/Technical

Dear Mr. Thiede:

The purpose of this letter is to transmit Illinois EPA's formal concurrence with the partial delisting of Source Area 4 from the Southeast Rockford Groundwater Contamination National Priorities List Site in Rockford, Illinois.

The Illinois Environmental Protection Agency (Illinois EPA or Agency) is in receipt of the United States Environmental Protection Agency's Draft Partial Deletion Justification and Notice of Intent for Partial Deletion (NOIPD) of Source Area 4 of the Southeast Rockford Groundwater Contamination Site from the NPL which were submitted via electronic mail on March 31, 2020.

After reviewing the submitted documents and 40 CFR 300.425(e), the Illinois EPA concurs with the determination that all appropriate response actions under CERCLA have been completed for Source Area 4.

This determination is being made in accordance with implementing regulations of the Comprehensive Environmental Response, Compensation and Liabilities Act of 1980, as amended (CERCLA or Superfund) found at 40 Code of Federal Regulations 300.425(e) regarding State concurrence on the deletion of sites from the National Priorities List.

If you have any questions regarding anything in this letter or require any additional information, please contact Brian Conrath, the Agency-assigned Project Manager for this site, at (217) 557-8155 or via electronic mail at brian.conrath@illinois.gov.

Sincerely,

John J. Kim
Director
Illinois Environmental Protection Agency

BAC:cah:ptl:P\SERockford\Area 4\SA4DelisitingConcLtr.docx

cc: Doug Ballotti, Superfund Director, U.S. EPA-Region 5
Karen Cibulskis, U.S. EPA
Terese Van Donsel, U.S. EPA

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR JOHN J. KIM, DIRECTOR

(217) 782-3397

May 19, 2020

Mr. Kurt Thiede,
Region 5 Administrator
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

RE: 0430830001– DuPage County
Blackwell Forest Preserve Landfill
Superfund/Technical Reports

Delisting the Blackwell Forest Preserve Landfill NPL Site

Dear Mr. Kurt Thiede,

The purpose of this letter is to transmit the State of Illinois' formal concurrence on the delisting of Blackwell Forest Preserve Landfill, located in Warrenville, Illinois, from the National Priorities List. The Illinois Environmental Protection Agency (Illinois EPA) received the United States Environmental Protection Agency's Notice of Intent for Deletion (NOID) of the Blackwell Forest Preserve Landfill NPL Site from the NPL via electronic mail on April 6, 2020.

After reviewing the NOID and supporting documentation, the Illinois EPA concurs with the determination that all appropriate response actions under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA or Superfund) have been completed. Pursuant to CERCLA's implementing regulation found at 40 Code of Federal Regulations (CFR) 300.425(e), the State of Illinois hereby concurs on the deletion of the Blackwell Forest Preserve Landfill from the National Priorities List.

If you have questions or need additional information regarding this matter, please contact Paul T. Lake by phone at (217) 785-7728 or e-mail at paul.lake@illinois.gov.

Sincerely,

John J. Kim,
Director

PTL:CAH:NMW:GM:\\illinois.gov\epa\Spiusers1\Greggory.Miller\Sites\Blackwell\De-Listing Letters\Blackwell Letter of Concurrence Final Draft.docx

Message

From: Thiede, Kurt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3CC09FAC5ACC4CE1BA689FB2CE70D459-THIEDE, KUR]
Sent: 7/23/2020 5:27:09 PM
To: bethA.bier@wisconsin.gov
CC: Ballotti, Doug [ballotti.douglas@epa.gov]; Short, Thomas [short.thomas@epa.gov]; Liebau, Joseph [Liebau.Joseph@epa.gov]; Newton, Cheryl [Newton.Cheryl@epa.gov]; Kelley, Jeff [kelley.jeff@epa.gov]; Hewitt, Jason [Hewitt.Jason@epa.gov]
Subject: Scrap Processing site in Medford, WI
Attachments: Medford - Concurrence Letter.pdf

Beth,

Thank you very much for your letter regarding the deletion of the Scrap Processing site in Medford, WI. As you know, the deletion and partial deletion of sites to facilitate redevelopment and reuse is a high priority for our Superfund program nationwide.

I wanted to express my sincere appreciation for the great working relationship we have forged with WDNR over the years at this site and for your quick turnaround in providing your concurrence letter to support our Superfund program goals. EPA very much appreciates the teamwork and support that WDNR has provided at this site and at the many others we work collaboratively with WDNR on in Region 5. Through all of the important work accomplished at Scrap Processing, including the removal of more than 17,000 cubic yards of lead-contaminated soil, EPA has relied on the technical expertise and partnered communication from WDNR to achieve progress and build trust with the surrounding community.

We are truly grateful for the tremendous efforts of your site team and we share with you in this important achievement. EPA will likely have a press event in Medford after the deletion is finalized, and will certainly invite WDNR to participate.

Sincerely,

Kurt

Kurt A. Thiede
Regional Administrator
U.S. EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-3000
thiede.kurt@epa.gov

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

July 16, 2020

Kurt Thiede, Administrator
U. S. Environmental Protection Agency
77 West Jackson Street
Chicago IL 60604

Subject: Wisconsin Department of Natural Resources Concurrence with Scrap Processing Proposed NPL Deletion

Dear Mr. Thiede:

Pursuant to Section 300.42(e) of the National Contingency Plan, this letter is to inform you that the Wisconsin Department of Natural Resources concurs with the U.S. EPA on the proposed deletion of the Scrap Processing site from the National Priorities List. This concurrence is based on the fact that all required response actions under CERCLA have been implemented, and no further response action is appropriate.

If you have any questions, please contact Carrie Stoltz at (715) 365-8942 or Carrie.Stoltz@wisconsin.gov.

Sincerely,

Beth Bier

Beth Bier, Deputy Secretary
Wisconsin Department of Natural Resources

ec: Karen Cibulski – Region 5
Christine Haag – RR/5

Message

From: Thiede, Kurt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3CC09FAC5ACC4CE1BA689FB2CE70D459-THIEDE, KUR]
Sent: 6/26/2020 6:11:21 PM
To: 'Coffman-Thiede, Keri' [Keri.Coffman- Ex. 6 Personal Privacy (PP)
Subject: FW: RA Weekly Message - 06/26/20

My week...

From: Thiede, Kurt <thiede.kurt@epa.gov>
Sent: Friday, June 26, 2020 1:09 PM
Subject: RA Weekly Message - 06/26/20

Good afternoon Region 5,

There are many highlights for me to share this week, including our Monthly Business Review, June RTOC meeting, Great Lakes Executive Committee Meeting, and Region 5 successes in Superfund Delistings and Air Redesignations, as well as some COVID news.

Tuesday, I had the opportunity to address the Great Lakes Executive Committee (GLEC) during their June virtual meeting. Co- Chaired by GLNPO Director **Chris Korleski** and his Environment and Climate Change Canada (ECCC) counterpart **Michael Goffin**, the GLEC helps to coordinate, implement, and report on activities supporting the Great Lakes Water Quality Agreement between the U.S. and Canada. I could have talked for an hour about all that's been accomplished over the past year in the Great Lakes...but I only had 10 minutes...so I talked fast!

On Wednesday morning we were once again joined by **Henry Darwin** for the Region's Monthly Business Review. This month we focused on a deep dive into a few of our ELMS metrics of Henry's choosing. We were able to get HQs input into some of our challenges as well as congratulations for our successes this month, including our efforts to continue to reduce our FOIA backlog (we are now down to only 15!). Henry also complimented the Region on our utilization of ELMs to track of Region specific metrics. Keep up the great work!

Wednesday afternoon was also the June Regional Tribal Operation Committee (RTOC) Meeting. During this month's RTOC, I was pleased to announce the approval of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake) of Michigan's Nonpoint Source 319 Treatment as a State. This will allow the Tribe to manage and address water quality impacts from nonpoint sources within their boundaries. The RTOC discussion occurred virtually for the second time in as many months. It was a great dialog and we had a number of actionable follow-ups!

This week also saw some great news out of both the Air Division and Superfund. Wednesday, Region 5 announced the proposed delisting of Fridley Commons Park Well Field Superfund Site in Minnesota, and the partial deletions of the Douglas Road/Uniroyal, Inc. Landfill Superfund Site in Indiana, Southeast Rockford Groundwater Contamination Superfund Site in Illinois, and the Allied Chemical & Ironton Coke Superfund Site in Ohio. I also had the opportunity Thursday morning to join Indiana Public Radio and speak about the Douglas Road site and tout Region 5's efforts on Superfund cleanups and encouraging redevelopment. Thursday, the Region, along with Illinois EPA, announced the redesignation of the Pekin and Lemont areas in Illinois to attainment for sulfur dioxide federal air quality standards. Region 5 and IEPA's efforts have resulted in cleaner, healthier air for over 200,000 people, while paving the way for greater infrastructure and economic development due to fewer air permitting restrictions.

Looking ahead to next week, I would like to draw your attention to two different workshops/webinars Region 5 will be holding. On Tuesday, I will be participating in the *Race, Resilience and Role of Being an Ally Workshop*, and on Wednesday, the Region 5 Civil Rights, LGBTQ Special Emphasis Program will host a virtual presentation, *Pride Month 2020: LGBTQ Equality and the Law.* I encourage you to participate in these events as you are able.

Finally, on COVID news, we have emphasized that our plan for a phased return to our workplaces is both measured and deliberate to minimize risk to your health. During the review of 14-day trend data this week for the National Vehicle and Fuel Emissions Laboratory (NVFEL) campus in Ann Arbor, Michigan, our Agency experts determined that the gating criteria to enter Phase 1 were not met and are in fact now trending upwards. Because of this, the Administrator decided that we should extend the closure period (originally 7 days) until next week when it will be determine if we should move that facility into Phase 1. As for our Chicago office, we remain in Phase 1, and we will also continue to review the data. Additionally, Region 5 has received a shipment of free cloth face masks from FEMA. These masks are washable. I've asked Cheryl and Amy to work with the Divisions to make sure each Region 5 employee will receive two of these FEMA provided cloth face masks. Each Division is putting together a plan to distribute these masks. Please contact your supervisor to coordinate where to pick up your cloth face masks. Given the variety of mask requirements in effect, I hope these additional masks are helpful.

Stay safe and be well,

Kurt

Kurt A. Thiede
Regional Administrator
U.S. EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-3000
thiede.kurt@epa.gov

Message

From: Thiede, Kurt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3CC09FAC5ACC4CE1BA689FB2CE70D459-THIEDE, KUR]
Sent: 6/26/2020 6:11:21 PM
To: Coffman-Thiede, Keri [Keri. Ex. 6 Personal Privacy (PP)
Subject: FW: RA Weekly Message - 06/26/20

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Stay safe and be well,

Kurt

Kurt A. Thiede
Regional Administrator
U.S. EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604
(312) 886-3000
thiede.kurt@epa.gov

Appointment

From: Calvino, Maria Soledad [Calvino.Maria@epa.gov]
Sent: 10/13/2020 10:16:32 PM
To: Calvino, Maria Soledad [Calvino.Maria@epa.gov]; Busterud, John [Busterud.John@epa.gov]; Poalinelli, Edwin [POALINELLI.EDWIN@EPA.GOV]; Barton, Dana [Barton.Dana@epa.gov]; Canteenwala, Eric [Canteenwala.Eric@epa.gov]; Goloubow, Ron@Waterboards [Ron.Goloubow@Waterboards.ca.gov]; John.Wolfenden@waterboards.ca.gov; Alec.Naugle@waterboards.ca.gov; Wright, Peter [wright.peter@epa.gov]
CC: Alpern, Michael [Alpern.Michael@epa.gov]; Ty, Fatima [Ty.Fatima@epa.gov]; Gallo, Madeline [Gallo.Madeline@epa.gov]; Fuoco, Angie [Fuoco.Angie@epa.gov]; Hage, Christopher [hage.christopher@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]

Subject: JASCO Site Deletion Press Event
Location: Microsoft Teams Meeting

Start: 10/15/2020 5:20:00 PM
End: 10/15/2020 6:00:00 PM
Show Time As: Busy

Required Attendees: Busterud, John; Poalinelli, Edwin; Barton, Dana; Canteenwala, Eric; Goloubow, Ron@Waterboards; John.Wolfenden@waterboards.ca.gov; Alec.Naugle@waterboards.ca.gov; Wright, Peter
Optional Attendees: Alpern, Michael; Ty, Fatima; Gallo, Madeline; Fuoco, Angie; Hage, Christopher; Munoz, Charles; Manzanilla, Enrique

Hello,
The press conference will start at 10:30am PT. Please arrive ten minutes before the event starts so we can go over the event flow and any last-minute details.
Thank you,

Soledad Calvino
Press Officer | Office of Public Affairs
U.S. Environmental Protection Agency | Region 9
calvino.maria@epa.gov
Office 415.972.3512 | Mobile 415.697.6289

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