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Subject Tar Creek Tribal Environmental Directors

Hello all,

I was at the RTOC this week and learned that at our consultation meeting on Jan 22 with Sam Coleman, EPA's message may not have been clear. I want to provide some clarification and updates to where we are today with Tar Creek OU4, consultation, and receiving comments.

1. On Jan 22, Sam Coleman advised you that EPA was providing the Tribes with a pre-public release, draft Proposed Plan so that the we could understand any concerns the Tribe might have and discuss how we might be able to resolve those Tribal concerns before a final Proposed Plan was released to the public at-large to review and comment on.

Sam also advised you that he would be the final decision maker for the Tar Creek OU4 Record of Decision. We plan to issue the final decision in July 2007. The documents we sent to you via email and a disk by mail include a draft proposed plan, draft remedial investigation, and draft feasibility study. The emphasis here is that these are draft only. Your input could result in changes to these documents.

We currently have not made a final decision and are still awaiting comments from several of the Tribes. We can take your comments through close-of-business March 14, so if you have not submitted comments for you Tribe, please do so now.

On March 15, the EPA will decide what the final Proposed Plan will include. EPA will need a few weeks to make changes based on your comments and to complete documents/files that are required before it releases the Proposed Plan to the public for comments.

We are planning to hold a Public meeting in Miami, Oklahoma on April 26. There will be a 30 day public comment period for the public at-large to review the proposed plan, investigation, and feasibility study. The Tribe can also provide comments during this comment period.

Once the comment period closes, the EPA will review all the comments it received, prepare responses to the comments, and then make changes to the proposed plan to reflect comments it received as appropriate. Once all of this is done, EPA will release it final decision for the cleanup of OU4. This document is called a Record of Decision for OU4.

2. ITEC's Feb 21 meeting. Sam Coleman and Sing Chia attended ITEC Board meeting on February 21, 2007. The following Tribal Chief/Chairman were present at the meeting:

Chief Glenna J. Wallace, Eastern Shawnee Tribe of Oklahoma
Chief Floyd E. Leonard, Miami Tribe of Oklahoma
Chief Bill G. Follis, Modoc Tribe of Oklahoma
Chief John Froman, Peoria Tribe of Indians of Oklahoma
Chief Paul Spicer, Seneca-Cayuga Tribe of Oklahoma
Chairman Ron Sparkman, Shawnee Tribe

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Chief Leonard of Miami Tribe of Oklahoma chaired the meeting. Chief Wallace of Eastern Shawnee Tribe of Oklahoma attended the meeting late (after Sam's presentation)

There are the meeting notes EPA prepared from the ITEC meeting:

- Sam stated that the purpose of his attending is to seek Tribe's input on the Consultation Process. He said he had began contacting Tribal Chief/Chairman by phone and had gotten in touch with several of the Chiefs (Chief Leonard, and Chief Froman acknowledged they received the phone call). However, he was not able to get in touch with every Chief/Chairman. Chief Leonard asked Sam that if he is looking for a signed statement from the Tribes at the meeting; Sam indicated that it would be good if we have it in writing. At this time, the Chiefs/Chairman at the meeting began asking questions about our proposed preferred Alternative for Tar Creek OU4. Sam provided a snap shot of our proposed preferred Alternative (chat sales continue, short term actions, long term actions, components of the proposed remedy)
- Chief Spicer indicated at the meeting that he has concerns of the impact of our proposed remedy on surface water and ground water. He further stated that he does not want to see any remedies implemented by EPA at Tar Creek that will make the environment worse (Chief Spicer was referring to the flooding and mold problems raised by residents under OU2 yard clean up). Sam responded by saying that we understand that we are making decisions for the future, we have to be certain anything we plan to do, we are working with USGS, the experts in this field, to study the hydrogeology of the area. The study will continue in the next few years.
- Chief Froman indicated that surface water and ground water was also their concerns. He further indicated that he submitted their comments to EPA earlier. Sam acknowledged that we received the letter.
- Chairman Sparkman expressed the same concerns as other Chiefs, because Roubidoux is the only drinking water source for the area for the next thousand years. He also mentioned that in 1950s, an engineer with Soil conservation Services recommended to build a dam at Tar Creek and Highway 69 to create a lake for metals settling out. Sam indicated that we will evaluate the concept. At the end of the meeting, Chairman Spicer handed a note to Sam asking Sam to check out "the sewer drain at the Town of Baxter Springs, KS, where it enters Spring River." (*Sing Chia followed up on this by contacting Jodi Hayes, Environmental Director of Shawnee Tribe, who referred Sing to Quapaw Tribe of Oklahoma since Quapaw Tribe monitors Spring River routinely. Tim informed Sing that the sewer drain is the discharge of Town of Baxter Springs' sewage treatment plant. Tim also stated that KDHE issued a consent order to the town due to violation of its NPDES permit. Sing will followup with Gene Gunn (EPA Region 7) asking him to have some one in your office to look into this and provide us with the latest status.*)

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- Chief Follis indicated that he has the same concern. He also, supported the concept of building the dam at Tar Creek and Highway 69.

3. Sam Coleman has personally called or meet with all the chiefs. He began calling the Chiefs on Jan 31 and has continued calling and leaving messages if he did not reach a Chief. As of today, he has called or met at ITEC all of the Chiefs/Chairmen except for Chief Chad Smith with Cherokee Nation. He has left two messages for Chief Smith, but they have yet to connect. He finally got Chief Bearskin with Wyandotte on the phone yesterday.

4. In addition to working with the Tribes, we have met with the State several times and are awaiting comments from the Oklahoma Department of Environmental Quality on the draft Tar Creek OU4 proposed plan.

I hope this clarifies any misunderstandings and provides informative updates. If you have any questions, please do not hesitate to call me at 214-665-6583.