



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

APR 30 2015

URGENT LEGAL MATTER
PROMPT REPLY REQUESTED

OVERNIGHT MAIL

Mr. Larry W. Wald
Mrs. Sandra A. Wald
18424 Elm Road
Carthage, Missouri 64836

Re: Access to Property for Superfund Cleanup of Hazardous Substances
Jasper County Superfund Site, Mining Waste Cleanup, Operable Unit #1

Dear Mr. and Mrs. Wald,

This letter requests that you provide access to property located in Jasper County, Missouri. This is regarding your real property located at County Road, near Nectar Road and Ball Street, Jasper County, Missouri, Parcel # 08220900000007000. We are requesting an opportunity to discuss this matter with you at your earliest convenience. Please contact us no later than Monday, May 4, 2015, by the close of business, to set a time to discuss our cleanup plans for your property. Our contact information is provided below.

The Superfund Law authorizes the EPA to obtain access to real property for purposes of cleaning up hazardous substances. Cleanup of your property is necessary for the protection of human health and the environment. We issued a Record of Decision several years ago that specifies the type of cleanup actions that must be taken including removal of mining wastes, recontouring, grading and re-vegetation. Many properties have already been cleaned up in Jasper County.

Our representatives attempted to contact you several times by leaving telephone messages. In addition, when we spoke on the phone, you indicated that you have a legal representative, Mr. Mark Elliston. We called and left messages with Mr. Elliston on April 27 and 30, but he has not returned our phone calls. Therefore, we are copying him on this letter.

We would appreciate your permission to access the property. An access agreement for your signature is enclosed with a return-addressed-stamped envelope. Please sign and return to us if you agree or contact us as soon as possible to discuss your concerns. We request voluntary access to your property and hope that a mutually agreeable access arrangement can be made between you and the agency. If you would like to visit with us in person with your attorney, please send us a suggested time and place to meet. We will be happy to meet when and where convenient for you or by telephone conference.

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Superfund

However, if we do not hear back from you or Mr. Elliston, it will be inferred that you are unwilling to grant access and other enforcement measures may become necessary to secure cleanup of the mining wastes on your property. The agency may issue Orders to obtain access under Section 104(e)(4) of the Superfund Law, see 42 U.S.C. Section 104(e)(3) and (4). In addition, when an Order is issued, it can be enforceable and a court may impose civil penalties for unreasonable failure to comply under Section 104(e)(5) of the Superfund Law. An Order also provides the recipient with an opportunity to confer with the agency regarding any matter pertinent to the Order.

We request that you contact the agency as soon as possible and no later than Monday, May 4, 2015. Let us know if you intend to provide access and allow the agency to remediate the mining wastes at your properties. Failure to respond shall be deemed as a denial of our request to enter and access your properties, which may result in other actions including issuance of an Order.

Thank you for your time and consideration of this important matter. We believe this access request is essential to protect human health and the environment. Please contact the undersigned directly by phone at (913) 551-7235 or by email at kloeckner.jane@epa.gov regarding this letter.

Sincerely,

Jane Kloeckner
Attorney

Enclosures

cc: Mark Elliston, Elliston Law Offices
Danny Lyskowski, Attorney, Missouri Department of Natural Resources



U.S. Environmental Protection Agency Region 7

ORONOGO-DUENWEG MINING BELT SUPERFUND SITE Jasper County, Missouri Mine Waste Cleanup Action

CONSENT TO ACCESS FOR INVESTIGATION AND REMEDIAL ACTIONS

Owner / Grantor: Larry & Sandra Wald

Property ID/Parcel No: 0822090-0007000 (access for approximately 30 acres of the Property)

The Grantor hereby consents to and permits the United States Environmental Protection Agency and its authorized employees, contractors, and agents, (EPA), and the Missouri Department of Natural Resources and its authorized employees, contractors, and agents, (MDNR) 1) conduct activities to investigate and respond to the release or threat of release of a hazardous substance, or contaminant at, on, or from, the Property resulting from historic metals mining; and 2) conduct remedial actions to remediate heavy metals contaminated mining wastes and soils on the Property; and 3) construct and maintain a permanent repository on the Property for the disposal of heavy metals contaminated mining wastes and soil. These activities are being conducted in accordance with Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9604. Such response may include, but is not necessarily limited to,

the following:

- 1) Remove trees, brush, and vegetation from areas where metals exceed the action levels.
- 2) Excavation and removal of contaminated soil, sediments, and mining wastes while only disturbing the topsoil that is absolutely necessary to meet remedial action objectives.
- 3) Transport the soils, sediments, and mine wastes for disposal.
- 4) Regrading the excavated areas to promote drainage and prevent ponding water.
- 5) Revegetate the excavated areas with grasses.
- 6) Consolidate contaminated mining wastes and soils on the Property, if required.
- 7) Establish property use restrictions through a deed notice under the Missouri Environmental Covenant Act for areas where wastes were disposed and capped on the property.
- 8) All disturbed fencing on the Property will be reinstalled to original conditions, including replacement if necessary.

EPA and MDNR are also granted access to the Property for periodic inspection and maintenance of the capped and revegetated areas. The consent granted hereby shall terminate upon Grantors receipt of written notice from EPA that all actions taken at the Property have been completed.

Grantor _____ Date _____

Larry & Sandra Wald - Grantor

Address _____

Daytime Phone _____

