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Roemerma, Paul

From: Muenchow, Kurt A -FS <kmuenschow@fs.fed.us>
Sent: Thursday, September 11, 2014 10:58 AM
To: Roemerma, Paul; Lloyd, Brian A -FS; FLINIAU, HOLLY - OGC
Cc: Treimel, Ellen; Mitchell, Brian; Lloyd, Brian A -FS
Subject: RE: R7 Federal Facility Docket Coordinator
Attachments: signed NFA bessey drumsites #1 and #2 to EPA R7.doc

0u00 09/11/14

The contents of the below email is not consistent with US EPA, NDEQ and USDA FS site documentation for the CERCLA actions already completed.

EPA's suggestion that "...children...at a 4H camp exposed through drinking water" is erroneous, incorrect, and has no basis in fact. If the US EPA Region 7 has any specific information to substantiate such an allegation, please provide it to the USFS immediately so that it can be investigated.

It is clear that we continue to have problems communicating effectively, and that this situation appears to be leading towards continued inefficient use of US EPA and USFS resources. I will follow up with our USDA program folks to see if we can make a joint-trip to come meet with you (& any staff that may be needed) to clarify any misunderstandings.

As indicated in documentation previously-provided, the USFS completed CERCLA removal actions under authority delegated by EO 12580 (and consistent with the NCP and attendant EPA CERCLA program guidance with which you may be unfamiliar – reference: EPA530-F-98-026, OCT/1988). NFRAP determinations by all involved agencies (NDEQ, EPA, and USFS) have been documented; also consistent with the NCP and EO 12580 delegations.

If EPA has other facts or some another understanding of the situation, it should be formally-communicated to the USDA Forest Service, Rocky Mountain Region in response to the previously-provided correspondence. (attached for reference)

From: Roemerma, Paul [mailto:Roemerma.Paul@epa.gov]
Sent: Thursday, September 11, 2014 9:20 AM
To: Muenchow, Kurt A -FS; Lloyd, Brian A -FS; FLINIAU, HOLLY - OGC
Cc: Treimel, Ellen; Mitchell, Brian; Roemerma, Paul
Subject: RE: R7 Federal Facility Docket Coordinator

Mr. Muenchow,

This email is to inform you that EPA Region 7 has completed the review of the information provided by the US Forest Service concerning the Bessey Site NEN000704744 as well as the Nebraska National Forest Site #1 NE6122390010 and Nebraska National Forest Site #2 NE2122390030. Based on the information provided it is clear that waste was left behind at levels that exceed concentrations of concern. Lindane was originally found in the groundwater as high as 1300 ug/l. The EPA drinking water standard is 0.2 ug/l. The last time groundwater sampling was conducted, the highest level of lindane in the groundwater found was 3.5 ug/l, which is still above the EPA drinking water standard. Additionally, Lindane was found in the soil at concentrations up to 240 PPM.

If the National Forest Site #1 had been left undisturbed following EPA's no further action determination, that determination would still be valid. However, in conducting a removal, the Forest Service became a hazardous waste generator and in allowing material to remain on site above health based levels illegally disposed of those materials.

It has been reported to EPA that a 4H camp is located on the Bessey Forest site and EPA is concerned the children may be exposed through drinking water sources at the site. Research has demonstrated that early-life exposures to environmental contaminants can have tragic, life-long effects. Children's neurological, immunological, digestive, and other bodily systems are still developing; children eat more food, drink more fluids, and breathe

more air in proportion to their body weight than adults; and children's behavior patterns, such as crawling and hand to mouth contact, make them more at risk to harmful environmental exposures. In recognition of these susceptibilities, Executive Order (EO) 13045, signed in 1997 by President Clinton, directs the EPA and other federal agencies to "make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children" and "ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks".

Additionally EPA is concerned about the source of drinking water for workers and visitors to the Bessey Forest Site.

Section 120(c) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires EPA to establish a Federal Agency Hazardous Waste Compliance Docket (Docket) which contains information reported to EPA by federal facilities that manage hazardous waste or from which hazardous substances, pollutants or contaminants have been or may be released.

§ 120(c): Federal Agency Hazardous Waste Compliance Docket

EPA shall establish a docket listing facilities that manage hazardous wastes or have potential hazardous waste problems. Also, EPA shall publish in the Federal Register (FR) a list of Federal facilities that have been added to the docket since EPA last published the list.

§ 120(d): Assessment and Evaluation of Federal Facilities on the Docket

EPA shall take steps to ensure that each Federal Facility on the docket be accorded a Preliminary Assessment (PA). After the PA, EPA, where appropriate, shall evaluate facilities for inclusion on the NPL. In determining on the NPL, EPA shall use the same criteria used for private sites. EPA also may consider whether the facility has an arrangement with EPA or the state to clean up the facility under a non-CERCLA authority. EPA shall evaluate any facility on the docket that is the subject of a petition from the Governor of a State (Read more: [The National Priorities List for Uncontrolled Hazardous Waste Sites; Listing and Deletion Policy for Federal Facilities](#))

§ 120(e): Steps Required for Remedial Actions at Federal Facilities Listed on the NPL

Within 6 months of inclusion on the NPL the Federal agency must commence a Remedial Investigation/ Feasibility Study (RI/FS) to determine the nature and extent of contamination. Within 180 days after review of the RI/FS, the agency head shall enter into an interagency agreement (IAG) with EPA that includes a review of alternative remedial actions and selection of the remedial action by head of the relevant department and EPA. However, if the Administrator is unable to reach an agreement, the agency head shall schedule the expeditious completion of all necessary remedial actions at the Federal facility and arrangements for long-term operation and maintenance.

All IAGs shall comply with the public participation requirements of CERCLA § 117. If EPA determines, in consultation with the head of the affected agency, that an RI/FS or remedial action will be done properly and in a timely manner by a PRP other than the Federal agency, EPA may enter into a settlement agreement with that PRP under CERCLA § 122 (relating to settlements).

Through Executive Order 12580, the President has delegated broad investigative authority for conducting assessments to the heads of the respective federal executive departments and agencies with jurisdiction, custody, or control over their facilities. This Executive Order provides for the lead federal agency to perform a PA and, as appropriate, a Site Inspection, on all sites on the Docket.

Therefore, EPA has determined that the Bessey Forest Site and specifically the Nebraska National Forest Site #1 requires a Preliminary Assessment be conducted. Also, because there already exist multiple dump sites and that the Site #1 was from one year's disposal that the entire Bessey Forest site needs to be looked at for possible additional disposal sites.

As a result of this determination, all three sites shall remain on the Federal Docket. However, to simplify things, the National Forest Sites #1 and #2 shall be identified in EPA's Site Management Database, which has replaced the CERCLIS Database, as child sites to the Bessey Forest Site.

Guidance for conducting preliminary assessments under the CERCLA can be found electronically at: <http://www.epa.gov/superfund/sites/npl/hrsres/index.htm#PA%20Guidance>. Additional guidance that can provide direction specific to federal facilities in developing a PA that EPA can readily evaluate can be found at: http://www.epa.gov/swerffrr/pdf/ff_pa_guide.pdf. Please note that the determination of No Further Remedial Action Planned ("NFRAP") and development of a final Hazardous Ranking System ("HRS") score are solely EPA responsibilities. Federal facilities, however, are encouraged to make recommendations concerning further actions at a site and also to develop draft HRS scores to ensure that all the necessary information has been collected and documented. Should the EPA determine that the federal facility requires further evaluation in the form of a Site Inspection, the EPA will provide specific instructions at that time.

If you have any questions regarding submittal of the preliminary assessment or if you would like EPA to perform the preliminary assessment, please contact Brian Mitchell at 913-551- 7633 or email him at: Mitchell.brian@epa.gov.

Thank you for your prompt attention to this matter.

Paul W. Roerman
Site Assessment Manager
Kansas State Coordinator
US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
913-551-7694

National Response Center 24/7 Spill Reporting Line 1-800-424-8802 and EPA Emergency Response Duty Officer 24/7 Spill Reporting Line 913-281-0991

From: Muenchow, Kurt A -FS [<mailto:kmuenchow@fs.fed.us>]
Sent: Friday, August 08, 2014 11:42 AM
To: Lloyd, Brian A -FS; FLINIAU, HOLLY - OGC
Cc: Roerman, Paul
Subject: FW: R7 Federal Facility Docket Coordinator

I am truly, completely confused!

When I read (& re-read) Mr. Roerman's email (1st one below) the first paragraph says, "We are not planning a PA for either of the National Forest Sites." His email continues in paragraph 2 by stating, "We are planning a PA for the Bessey Site." We've previously sent along the documentation & information that demonstrates how the USFS completed the CERCLA removal for all releases that we are aware of on the NNF.

The lat/long coordinates in EPA's email message accurately-depict the USFS "NNF Site #2" (aka Bessey drum site) location – where we already completed our removal action (& subsequent GW monitoring overseen by NDEQ) decades ago at this physical location.

SO – I am STUMPED!

I am concerned that EPA R7 will (without our involvement, knowledge, or consent) complete a "CERCLA PA" on NFS – then turn around & bill us for it via enforcement action/cost recovery.

Is this something I should try & address through the R8 RRT (with Dave Ostrander, EPA Co-Chair)?

Please let me know how you'd like me to proceed (if at all).

Kurt Muenchow
USFS Rocky Mountain Region/ENG
303-275-5201 (303-324-6297:cell)

From: Roemerma, Paul [<mailto:Roemerma.Paul@epa.gov>]
Sent: Thursday, August 07, 2014 7:56 AM
To: Muenchow, Kurt A -FS
Cc: Roemerma, Paul; Mitchell, Brian
Subject: RE: R7 Federal Facility Docket Coordinator

Kurt,

Again I am confused by your letter. I agreed with you the National Forest Sites were both NFRAP'd. NFRAP is basically a button in a computer system. EPA Region 7 does not issued "NFRAP Letters" as you are requesting and basically that designation can change at any time based on new information. We are not planning a PA for either of the National Forest Sites. There is no place in the electronic docket to show a site is NFRAP'd, as that is a CERCLIS/SEMS (SEMS is replacing CERCLIS) classification and not a Federal Docket classification so therefore the docket only shows that a site is current.

We are planning a PA for the Bessey Site. That is located at latitude +41.808889 and longitude -100.319444. We do not have a street address for it.

You seem to indicate although you don't say it that Bessey is a duplicate site. However, the two National Forest sites are listed at other locations. If you think these are duplicate sites, you need to show some reports and/or maps that would show this as well as possibly explain why the site has been on the docket for 17 years and USDA hasn't made this claim when it was listed. I am not sure if we can remove it from the docket after so long a time or not, even if this can be shown.

The current PA for Bessey is a fund lead action, meaning that EPA is paying for it.

One of your messages talks about a CD. Can you provide me a copy of that?

.Thanks, Paul

Paul W. Roemerma
Site Assessment Manager
Kansas State Coordinator
US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
913-551-7694

National Response Center 24/7 Spill Reporting Line 1-800-424-8802 and EPA Emergency Response Duty Officer 24/7 Spill Reporting Line 913-281-0991

From: Muenchow, Kurt A -FS [<mailto:kmuenschow@fs.fed.us>]
Sent: Wednesday, August 06, 2014 3:34 PM
To: Lloyd, Brian A -FS; FLINIAU, HOLLY - OGC
Cc: Treimel, Ellen; Tapia, Cecilia; Roemerman, Paul; Mitchell, Brian; Buchholz, Ken; Davis, Todd H.; Dalal, Pradip; Gunn, Gene
Subject: RE: R7 Federal Facility Docket Coordinator

The buried drums on the Nebraska NF have been removed & disposed (as indicated in the letter & info previously-provided to EPA). EPA already issued NRFAP determinations for these sites, but can't/won't find the info in either the attachment to the letter we sent & their CERCLIS files. EPA appears to be set on a "PA" for the site. As they haven't told us what site/location they are referring to & don't appear to want to review the materials we've already provided, I am unable to proceed.

Clearly, I am unable to communicate clearly with EPA folks on this, as even EPA and Nebraska DNR ALREADY issued NFRAP letters & yet EPA R7 won't correct the FF Docket to update the site status as NFRAP (based on their own determinations), nor will EPA tell us a specific location for any of these docket listings (so that we can ascertain if there is any release). I don't have this problem with our EPA R8 counterparts - perhaps it is because I meet with them face-to-face.

How would you like me to proceed? Here are some options; (1) get Diane/USDA OGC advice on if this can be handled via OGC; (2) go to KC & meet with EPA 7 folks and hand them a copy of each document & go over each document with them to try and arrive at a common understanding; (3) kick this up to Mary and/or the Regional Forester to elevate to the EPA R7 Administrator; or (4) drop the whole thing & ignore the FF docket, since we have provided all the information (repeatedly) to no avail?

Kurt Muenchow
USFS Rocky Mountain Region/ENG
303-275-5201 (303-324-6297:cell)

From: Roemerman, Paul [<mailto:Roemerman.Paul@epa.gov>]
Sent: Wednesday, August 06, 2014 7:29 AM
To: Muenchow, Kurt A -FS; Mitchell, Brian; Buchholz, Ken; Davis, Todd H.; Dalal, Pradip; Gunn, Gene; Lloyd, Brian A -FS; FLINIAU, HOLLY - OGC; Tapia, Cecilia
Cc: Roemerman, Paul; Treimel, Ellen
Subject: FW: R7 Federal Facility Docket Coordinator

Kurt,

I am somewhat confused by some of your statements and questions but will try to answer them the best I can.

The Nebraska National Forest Site #2 is not being listed again on the Master Docket List but is being restored to the electronic Master Docket List. Nothing is changing about that listing. When the electronic list was created, apparently not all the sites were carried over and headquarters has a contractor restoring those sites to the electronic list.

At this time, the Nebraska National Forest Site #1 is still on the docket and again nothing has changed at this time with this site.

The Bessey Nursery site was added to the Master Docket List on 6/27/1997. This is a separate site even though it may be co-located on the Nebraska National Forest #2 Site. This is not unusual for docket sites especially large sites such as National Forests and similar sites that occupy large geographical areas. Basically the only way to address this site being on the Master Docket List is to conduct a preliminary assessment. This site is being handled at EPA by Brian

Mitchell who may be reached at 913-551-7633 for site specific questions. I believe he is currently planning to conduct a Preliminary Assessment at the site to address two alleged dump sites.

I am unclear what you are asking for when you say "administrative closure" for the "Nebraska" docket listing but both of the National Forest sites are listed as being NFRAP which is an EPA determination that further assessment work is not planned at this time for these sites. However, any site may be re-opened in the future based on new information or a separate site could be opened based on that information which is what I assume happened in 1997 when the Bessey Site was added. As site manager, Brian Mitchell may be able to provide you that information. However, as I said above, the way to address that site is to conduct the preliminary assessment.

As far as the June 26, 2013 letter to Cecilia Tapia, I have been unable to find a copy of that letter and so cannot determine what was done with it or more importantly, why it wasn't answered but I hope I have addressed all of your concerns up above.

Thanks, Paul

Paul W. Roerman
Site Assessment Manager
Kansas State Coordinator
US EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
913-551-7694

National Response Center 24/7 Spill Reporting Line 1-800-424-8802 and EPA Emergency Response Duty Officer 24/7 Spill Reporting Line 913-281-0991

From: Muenchow, Kurt A -FS [<mailto:kmuenschow@fs.fed.us>]
Sent: Monday, August 04, 2014 3:06 PM
To: Mitchell, Brian; Buchholz, Ken; Davis, Todd H.; Roerman, Paul
Cc: Dalal, Pradip; Gunn, Gene; Lloyd, Brian A -FS; FLINIAU, HOLLY - OGC; Tapia, Cecilia
Subject: RE: R7 Federal Facility Docket Coordinator

FYI, Attached is a draft letter that the USFS may choose to send to the EPA WO.

Also attached for reference is information from the USFS that may clarify the ongoing confusion regarding the "Nebraska NF" docket listing(s). The USFS has, for several years, been attempting to obtain administrative closure for the "Nebraska" docket listing, but has not received substantive response from EPA. Please do not continue to blindly, "update" the docket without adequately-addressing these USFS efforts.

In short, we need to consider the significant staff time at both EPA and the USFS that we cannot afford to spend on something that appears to have been taken care of.

Kurt Muenchow
USFS Rocky Mountain Region/ENG
303-275-5201 (303-324-6297:cell)

From: Mitchell, Brian [<mailto:Mitchell.Brian@epa.gov>]
Sent: Monday, August 04, 2014 9:05 AM
To: Buchholz, Ken; Davis, Todd H.; Roerman, Paul; Muenchow, Kurt A -FS
Cc: Dalal, Pradip; Gunn, Gene
Subject: RE: R7 Federal Facility Docket Coordinator

They had illegal disposal areas that were investigated via removal and as a result the sites were queued up for site assessment activities. The 2 sites were entered into CERCLIS before my time. Ron did not want to have the sites taken off the site assessment track. They do not want to do Pas. I will only take them out of site assessment track if someone above me is willing to tell me to do so.

Brian Mitchell
Nebraska Site Assessment Manager
ERNB/SUPR
EPA Region 7
8600 NE Underground Drive
Pillar 253
Kansas City, Missouri 64161
913-551-7633 work
816-304-4158 cell

From: Buchholz, Ken
Sent: Monday, August 04, 2014 9:40 AM
To: Davis, Todd H.; Roemer, Paul; Mitchell, Brian
Cc: Dalal, Pradip; Gunn, Gene
Subject: FW: R7 Federal Facility Docket Coordinator

From: Tapia, Cecilia
Sent: Monday, August 04, 2014 8:25 AM
To: Buchholz, Ken; Jackson, Robert W.
Subject: FW: R7 Federal Facility Docket Coordinator

From: Muenchow, Kurt A -FS [<mailto:kmuenschow@fs.fed.us>]
Sent: Friday, August 01, 2014 4:06 PM
To: Tapia, Cecilia
Cc: Paul.Reoerman@epa.gov
Subject: RE: R7 Federal Facility Docket Coordinator

Thanks so much for your prompt reply!

I will follow up with Paul about the following letter that may have gotten lost during EPA R7's re-organizing & office move(s) - in hopes that the upcoming update to the Federal Facility Compliance Docket does not result in unnecessary, additional staffwork in either the US EPA or USFS.

Kurt Muenchow
USFS Rocky Mountain Region/ENG
303-275-5201 (303-324-6297:cell)

From: Tapia, Cecilia [<mailto:Tapia.Cecilia@epa.gov>]
Sent: Friday, August 01, 2014 2:29 PM
To: Muenchow, Kurt A -FS

Cc: Roemer, Paul; Jackson, Robert W.
Subject: R7 Federal Facility Docket Coordinator

Paul Roemer is our new Federal Facility docket coordinator. He can be reached at (913)551-7694.

Thanks

Cecilia Tapia

Director, Superfund Division
U.S. Environmental Protection Agency – Region 7
11201 Renner Blvd.
Lenexa, KS 66219
W (913)551-7733 C (913)449-4171
EMAIL: tapia.cecilia@epa.gov

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File Code: 2160/6740/7410

Date: June 26, 2013

Ms. Cecillia Tapia
Director
US EPA Region VII
Superfund Division
11201 Renner Boulevard
Lenexa, KS 66219

Dear Ms. Tapia:

This No Further Remedial Action Planned (NFRAP) determination is provided to US EPA Region VII and Nebraska Department of Environmental Quality (NDEQ). This NFRAP determination letter documents the USDA Forest Services' completion of work for Nebraska National Forest Sites #1 & #2 (EPA CERCLIS SITE ID Numbers. NE6122390010 and NE2122390030) on the Nebraska National Forests and Grasslands in Thomas County, Nebraska.

This letter was generated based on review of various technical reports referenced in the enclosed electronic bibliography (with entire text of each reference included for your files) CD entitled, Bessey Drum Site, CERCLA Research Report, USDA Forest Service – Region 2, Nebraska National Forest and Grasslands (May, 2013).

In summary, although subsurface environmental contamination may remain at the Nebraska National Forest Site #1 under a cap, no further action is necessary at this time, as any remaining contamination does not pose a substantial threat to either human health or the environment. Preliminary assessment and site investigations at Nebraska National Forest Site #2 did not reveal any release (confirming EPA's assigned NFRAP status found in the Federal Facilities Compliance Docket update #18).

In 1982, the Nebraska National Forest and Grasslands (NNFG) notified the EPA of a potential hazardous waste site (herein referred to as Site #1) in the Nebraska National Forest by the Bessey Nursery, near Halsey, Nebraska. According to the NNFG, Site 1 consisted of 47, 33-55- gallon drums containing Lindane, DDT and other miscellaneous pesticides. The drums were reportedly dumped into a sand pit in 1970, crushed and compacted by a bulldozer, then covered with approximately 6 feet of sand.

According to a record of communication dated May 1985, the FS identified a second dump site (herein referred to as Site #2), located approximately two miles from Site #1, which contained buried, unknown quantities of potentially-pressurized containers of Methyl Bromide and 55-gallon drums of Lindane. The pesticide containers were reportedly bulldozed for compaction purposes prior to being covered with sand. The FS believed Site 2 had also been created in 1970.

Following notification, the USDA Forest Service coordinated with the EPA Superfund Division and the NDEQ Groundwater Division (delegated by EPA to manage site evaluation/remediation efforts) to characterize and address Nebraska National Forest Site #1 and Site #2.

As indicated in the attached documentation, Nebraska National Forest Site #1 was capped with clay and fenced, thereby eliminating any threat to human health or the environment.



At the Nebraska National Forest Site #2, the amount, quantity, & concentration of this release does not warrant a federal response, as the removal site characterization revealed that there is no substantial endangerment to either human health or the environment (per 40 CFR 300.410(f)(3),(5), & (7)).

For these reasons, the USDA Forest Service does not plan any further action at these sites.

If there are any questions about this matter, please direct them to Kurt Muenchow at (303) 275-5201.

Sincerely,

/s/ Mary C Deaguero,
MARY C DEAGUERO,
Director, Engineering

Enclosure

cc: Kurt A Muenchow
Brian A Lloyd
Timothy M Buskirk
Jane D Darnell
Paul G Lans
Wade Gregson
NDEQ
Brian Mitchell
US EPA R7
David Haldenman
NDEQ
Od Duhu
USDA Holly FLiniau
USDA.