Southeast Alaska
Conservation Council

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August 7, 2020

Linda Riddle, Alaska On-Scene Coordinator
USDA, Forest Service
Alaska Regional Office
P.O. Box 21628, Juneau, AK 99802

Re: Comments on the Administrative Settlement Agreement and Order on Consent for the Ross-Adams Mine

Dear Ms. Riddle:

Southeast Alaska Conservation Council (SEACC) hereby submits these timely comments on the Administrative Settlement Agreement and Order on Consent (ASAOC) for the Ross-Adams Mine. SEACC is a grassroots organization representing more than 7,000 supporters. For fifty years, SEACC has been bringing together diverse Alaskans from our region's 32 communities to protect the natural resources of Southeast Alaska, ensure sound stewardship of the lands of the region, and protect subsistence resources and traditional ways of life side by side with commercial fishing, tourism and recreation.

The ASAOC establishes a legal settlement agreement between the U.S. Forest Service and the respondents or potentially responsible parties (PRPs), Newmont USA Limited and Dawn Mining Company, for the purposes of completing a non-time critical removal action (NTCRA) under the Comprehensive Emergency Response Compensation and Liability Act (CERCLA) at the Ross-Adams Mine Site on Bokan Mountain, located near Kendrick Bay on southern Prince of Wales Island in the Tongass National Forest of southeast Alaska. The NTCRA is intended to address radiation exposure risks from radium isotopes and gamma radiation which are present in environmental media at the site.

The ASAOC document submitted for public comment consists of the signed legal settlement agreement, the NTCRA Removal Action Memorandum dated April 3, 2018, and the Statement of Work for the removal design/removal action for the site. It is somewhat puzzling that the USFS is seeking comments on a legal document that has already been signed by the parties to the agreement, and an Action Memorandum that was finalized and approved two years ago. Nevertheless, the notice in the Federal Register states that, "[t]he Forest Service will consider all comments received on the ASAOC and may modify or withdraw its consent to the ASAOC if comments received

disclose facts or considerations that indicate that the settlement is inappropriate, improper, or inadequate."[1]

DEC and EPA Involvement

We strongly object to the U.S. Forest Service's decision to exclude oversight both by the EPA and the Alaska Department of Environmental Conservation (DEC) in the management and cleanup at this site, including the development of the NTCRA Action Memorandum and in the negotiation of the ASAOC with the PRPs. In a letter from EPA to the USFS dated April 5, 2018, the EPA makes clear that the Action Memorandum was signed by the USFS without resolving all of DEC and EPA concerns, and the USFS excluded DEC and EPA from the settlement agreement negotiations with the PRPs.[2] Pursuant to section 120(f) of CERCLA, "EPA and **each agency, department, and instrumentality shall provide State and local officials with an opportunity to participate in the planning and selection of a remedial action.** State and local participation shall include review of applicable data as it becomes available and the development of studies, reports, and action plans."[3]

The Ross-Adams Mine has been listed as a high priority contaminated site in the DEC's contaminated sites database for more than 20 years and according to EPA, the site warranted a score high enough on EPA's Hazard Ranking System to also be listed on the National Priorities List, establishing it as Superfund-caliber site as far back as 1999.[4] Given the serious nature of the risks to human health and the environment from radiation sources and the technical challenges involved in remedy design and implementation, and the need for long-term monitoring, SEACC is concerned that, without EPA and state environmental agency involvement, the U.S. Forest Service's go-it-alone approach creates additional and unnecessary risk that the remedy will incompletely address the contamination or suffer a failure over the long term. We also fear a cleanup process that lacks transparency and limits or precludes participation by Tribal governments in Kasaan and Hydaburg, affected communities, and the public at large. Participation by EPA and ADEC will help ensure a robust removal action remedy is implemented at the site and risks to human health and the environment are comprehensively addressed. In addition, we recommend the U.S. Forest engage Region 10 representatives of the Agency for Toxic Substances Disease Registry (ATSDR) to ensure that public health interests are sufficiently represented. As the proposed action is not a time-critical one --indeed the timeline offered by the agency indicates a completion date some time in 2024[5] -- we see no reason that the U.S. Forest Service cannot lead a technical project team composed of representatives from each of these agencies and local representatives. Indeed, it is mandatory under section 120(f) of CERCLA.

NTCRA Action Memorandum

The purpose of the 2018 Action Memorandum "is to request and document approval of the proposed PRP-lead removal action." The memorandum provides the bases for the recommended action under CERCLA and presents the site conditions and background, site characteristics, describes the release or threatened release and the threats to public health or welfare and the environment, and presents the proposed action and cost estimate. It includes a list of Applicable,

[1] 85 Federal Register, 40963 (July 8, 2020)
[2] U.S. EPA Region 10 (April 5, 2018). Letter to U.S. Forest Service Regional Forester Beth Pendleton concerning the Ross-Adams Mine Site.
[3] 42 U.S. Code § 9620 (f) State and Local Participation.
[4] U.S. EPA Region 10 (April 5, 2018).
[5] 85 Federal Register, 40963 (July 8, 2020), Statement of Work, p. C15.

Relevant or Appropriate Requirements (ARARs). We have the following comments on the Action Memorandum.

The bases for the recommended action derive from the eight criteria listed in 40 C.F.R. § 300.415(b)(2). Of these, the U.S. Forest Service has identified (i), (iv), and (v); however, we find that (ii) "Actual or potential contamination of drinking water supplies or sensitive ecosystems" is also relevant, given the contamination identified in Kendrick Creek as a result of the 300 Foot Level portal discharge and the presence of fish and wildlife that rely on the Kendrick Creek watershed.

A major shortcoming of the memorandum is its failure to provide a clear and logical presentation of the conceptual site model for the Ross-Adams Site that would otherwise identify the source areas, contaminated media, the levels in each media, the contaminant migration routes, exposure pathways, the potential human and ecological receptors at risk, and the applicable regulatory or risk-based criteria that apply. Throughout the memorandum, source areas, pathways, media and receptors at risk are referred to inconsistently, included in some sections, but not in others. This is confusing to the reader. For example:

- P. A10, paragraph 2 fails to mention gamma radiation as an ecological exposure pathway. Only direct contact, ingestion and food-chain exposure routes are discussed. It is also unclear why the inhalation route for terrestrial species is not mentioned.
- P.A10, paragraph 2 discusses exposure pathways. For human health, only gamma radiation and inhalation of radon particles are mentioned, despite the fact that direct ingestion and food chain exposure routes are identified as additional exposure pathways, as discussed in paragraph 3.
- Although contamination around the barge loading area is discussed as a source area, the table on pages A8-9 does not list estimated volumes for this area.
- The table on page A8-9 also does not identify or estimate volumes of impacted sediments in marine or freshwater, yet discussion on page A10 states, "the cumulative exposure to radium in surface water and sediments at the 300 Foot Level also represents a potential risk to riparian animals, with surface water of the 300 Foot Level portal accounting for the majority of the cumulative risk."
- Human receptors mentioned include mine exploration worker, USFS worker, area visitor, and subsistence receptor, but exposures posed to the subsistence receptor or pathway are not discussed. Traditional native uses should be acknowledged and potential risks or impacts to resources/pathways for deer, fish, and shellfish should be evaluated.
- The recreator or recreation pathway, a foreseeable activity in the area, is not discussed.
- There is no discussion of how the groundwater pathway was eliminated. Given the history of underground mining activity in the 300 Foot Level, it is important to understand whether that could allow contaminated water from the workings to migrate through subsurface fractures and potentially daylight in downgradient surface water bodies where it could enter the food chain. This is an issue that warrants mention.
- A table on page A11 lists contaminants found in the 300 Foot Level portal drainage and compares them to Alaska Water Quality Standards, but does not list the EPA MCLs for radiological compounds, instead stating that no standard is available or applicable. However, water in the state of Alaska is protected for all uses, including drinking, and therefore the federal MCLs should have been listed for comparison. Levels reported for uranium and radium-226/228 both exceed the applicable MCLs for these compounds. Uranium

concentrations are reported to range from 110-240 picocuries per liter (pCi/L). These values, when converted to micrograms per liter (ug/L) exceed the drinking water standard of 30 ug/L. Radium-226 and radium-228 in combination range from 7.7 to 14.10 pCi/L which exceeds the drinking water standard for radium-226/228 of 5 pCi/L.[6] Therefore, the statement in the last sentence on page A11-- "[a]lthough Kendrick Creek is not used as a drinking water supply, water quality in Kendrick Creek also meets Alaska drinking water standards" -- is not correct.

- According to the text of the third paragraph on page A10, the 300 Foot Level portal drains the entire Ross-Adams underground mine as well as surface water captured in the open pit. In this same paragraph, the text states, "the total cumulative risk estimated for the area visitor from direct ingestion of radionuclides in surface water is greater than the defined acceptable risk level." However, the proposed remedy for the 300 Foot Level portal includes piping all drainage from the portal to Kendrick Creek. It is unclear how this is designed to mitigate the risks from this pathway.
- No data are presented on contaminant levels in other media or radiation readings found at other areas of the site, gamma radiation levels, or concentrations in freshwater or marine sediment.

It is important to have a clear and understandable narrative of the conceptual site model in the Action Memorandum for two reasons. First, what is included in the memorandum sets forth the statements of fact that will exist in perpetuity in the site's administrative record. Second, it provides the basis from which the accompanying statement of work will more logically flow. Therefore, the Action Memorandum should be revised.

Applicable or Relevant and Appropriate Requirements (ARARs): ARARs are state and federal laws deemed applicable or relevant and appropriate to the proposed action under CERCLA and must be met per CERCLA section 121(d)(2)(A)(ii), or they must be waived. CERCLA section 120(a)(4) states that, "State laws concerning removal and remedial action, including State laws regarding enforcement, shall apply to removal and remedial action at facilities owned or operated by a department, agency, or instrumentality of the United States.[7] The NTCRA Memorandum identifies a list of ARARs that will be met "to the extent practicable considering the exigencies of the situation" according to National Contingency Plan regulations governing removal actions.[8] However, we concur with the U.S. EPA in their letter of April 5, 2018 and add our objection that ARARs need be met "only to the extent practicable" in the case of the Ross-Adams Mine.[9] The concept behind removal actions is that they are conducted with some expediency to address an imminent and substantial health risk. Given that this site has been identified as a high priority contaminated site for more than 20 years, and the planned removal action itself is not estimated to begin until 2023 based on the schedule proposed in the Statement of Work,[10] it is difficult to understand what "exigencies" exist that preclude meeting all ARARs identified for the site. In addition, we find that the following laws or regulations should be added to the list of ARARs:

- Anadromous Fish Act (AS 16.05.871- .901) which "requires that an individual or government agency provide prior notification and obtain permit approval from ADF&G

[6] 65 Federal Register 76710,76722 (December 7, 2000)
[7] 42 U.S. Code § 9620(a)(4)
[8] 40 CFR § 300.415(j)
[9] U.S. EPA Region 10 (April 5, 2018)
[10] 85 Federal Register, 40963 (July 8, 2020), Statement of Work, p. C15

before altering or affecting "the natural flow or bed" of a specified waterbody, or fish stream. All activities within or across a specified anadromous waterbody require approval from the Habitat Section, including construction; road crossings; gravel removal; mining; water withdrawals; the use of vehicles or equipment in the waterway; stream realignment or diversion; bank stabilization; blasting; and the placement, excavation, deposition, or removal of any material."[11]

- The Fishway or Fish Passage Act (AS 16.05.841) which "requires that an individual or government agency notify and obtain authorization from the Alaska Department of Fish and Game, Habitat Section for activities within or across a stream used by fish if it is determined that such uses or activities could represent an impediment to the efficient passage of resident or anadromous fish."[12]
- EPA MCLs for uranium, radium 226/228 and total radionuclides.[13]

In addition, 18 AAC 75 should be listed as applicable. There is no rationale provided for why 18 AAC 75 is designated as relevant and appropriate but not applicable. See again CERCLA section 120(a)(4). The Site Cleanup Rules (18 AAC 325-390) in particular provide a tested regulatory framework for conducting interim removal and cleanup actions at sites in the state of Alaska. These regulations do indeed apply.

Five-Year Reviews: While the ASAOC and supplemental documents discuss the need for institutional controls and the proposed remedy itself consists of an engineering control, the U.S. Forest Service is inexplicably silent on how it will verify long-term effectiveness of the remedy through periodic post closure monitoring. The ASAOC prescribes post-remedy monitoring by the responsible parties, Newmont USA and Dawn Mining, but concludes that obligation after just three years subject to satisfactory results. In fact, for any site where institutional controls are implemented, five year reviews are required under CERCLA.[14]

Long-Term Monitoring: Because of the nature of the proposed remedy, the need for long-term, post closure monitoring automatically arises. In particular, Alaska Solid Waste Regulations require monthly inspections for a period of five years after closure of a monofill, such as the proposed repository.[15] In addition, the proposed discharge of water from the mine workings to Kendrick Creek would necessarily require monitoring to ensure compliance with state water quality permitting conditions. Other monitoring should include:

1) periodic inspections to ensure that engineering measures and integrity of the concrete features, and repository cap remain sound
2) vegetation is controlled
3) signage remains visible and readable
4) gamma surveys to identify any remaining or new risks
5) ensuring vandalism and trespass is not occurring

The U.S. Forest Service is silent on the long-term monitoring that the agency will be responsible for. In order to gain buy-in from the public, the agency needs to provide preliminary monitoring program objectives and indicate its commitment to carry out that monitoring program.

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[11] Available at: http://www.adfg.alaska.gov/index.cfm?adfg=habitatregulations.prohibited
[12] Ibid.
[13] 65 Federal Register 76710,76722 (December 7, 2000)
[14] 40 CFR § 300.430(f)(4)(ii)
[15] 18 AAC 60.800(d)

Statement of Work

The Statement of Work (SOW) describes the proposed removal action and the steps for completing it and includes discussion of the Community Involvement Plan, Work Elements and Performance Standards, Pre-Design Investigation Plans and Reports, and provides a schedule of deliverables. Along with the comments on similar issues in the Action Memorandum, which we will not repeat here, we have the following additional comments on the SOW.

Contaminated materials from each of the areas of concern at the site will be consolidated at the Open Pit at the 900 Foot Level where a repository will be constructed with a synthetic geomembrane, presumably impermeable, although this is not stated anywhere in the SOW. A repository of a single waste type is classified as a monofill under DEC solid waste regulations and subject to certain requirements in construction and post-closure monitoring. This should be discussed in the SOW. Among other things, if the repository is constructed without an impermeable bottom liner, contaminant fate and transport modeling must be conducted to show the repository construction design will be effective at containing the waste in perpetuity.

All deliverables, plans, reports described in the SOW should accommodate review and concurrence from DEC, EPA and any other participating agencies, such as Tribal and local governments and ATSDR. In addition, the Removal Design Schedule should accommodate review and participation by these agencies and include community involvement such as public meetings.

Community Relations

Information concerning community relations activities is not detailed in the ASAOC document. Paragraph 31 states that a community involvement plan will be developed.[16] The NTCRA Action Memorandum states that the community involvement plan developed for the Engineering Evaluation and Cost Analysis (EE/CA) will be reviewed by the U.S. Forest Service and revised "if appropriate to further public involvement activities during the Work that are not already addressed or provided for in the existing CIP." The 2015 Community Involvement Plan (CIP) for the EE/CA was specific to that effort and appears to provide more of a summary of the community relations that occurred, rather than a forward-looking vision for how community relations will occur, especially for this new phase of the project. It also lacks the kind of detail and helpful information found in community relations plans for similar sites. Specifically, we would like to highlight the community relations plan for another uranium mine cleanup site, the Midnite Mine on the Spokane Indian Reservation in Washington state.[17] This plan provides a good model to follow and is included as an attachment.

For any action executed under Section 104 of CERCLA, including for administrative orders or settlement agreements, the community relations requirements of 40 CFR § 300.430(c) must be complied with by the lead agency, in this case, the U.S. Forest Service. In addition to the specific requirements outlined in the regulation, the U.S. Forest Service should include the following in its community relations plan for the NTCRA:

- According to the U.S. Forest Service project page, the most recent public meeting held on the Ross-Adams Mine site was five years ago, in 2015. A public meeting should be conducted to present and explain the ASAOC, Removal Action Memorandum, and the

[16] 85 Federal Register, 40963 (July 8, 2020), ASAOC, paragraph 31.
[17] Available at: https://semspub.epa.gov/work/10/722514.pdf

Statement of Work and answer questions from the public and hear concerns in a collective setting so that everyone is operating on the same information.

- Prior to commencement of work, conduct public workshops in at least two Prince of Wales communities, such as Kasaan and Hydaburg, to discuss the implementation of the removal action.
- If travel restrictions related to the pandemic persist, schedule routine project teleconferences with community representatives, for example on a monthly basis.
- Monthly reports to be submitted by the respondents/PRPs during the removal action should be provided at the same time to the Organized Village of Kasaan and Hydaburg Indian Association and other local community representatives.
- Ensure all respondent submittals are posted to a project website within 5 days of submission and that all monthly reports include photos of the work performed.
- Allow participation by tribal/community representatives and state and federal regulatory agencies in the final inspection.
- Provide technical assistance grants to groups affected by releases at the site. Such grants of up to $50,000, are provided for in 42 U.S. Code § 9617 for NPL sites and waive the 20% match. While the Ross-Adams Mine Site is not listed on the NPL, as previously stated, the site ranks high enough and has been proposed for listing by DEC and the EPA. In addition, the risks and complexity of the site alone warrant funding by the USFS of technical assistance grants for groups such as local Tribes, which may be affected by contamination at the Ross-Adams Mine, such as through subsistence uses of resources potentially impacted by the site.[18]
- In addition to the online project website, a local information repository should be provided, such as at a library.

We offer these comments as constructive input to help support a robust removal action remedy. We reiterate that it is essential that the U.S. Forest Service engage the expertise and include oversight by sister regulatory agencies including the DEC, EPA, and ATSDR, which have the experience in managing complex contaminated sites like the Ross-Adams Mine, and to meaningfully engage Tribes and the public throughout the removal action process.

Thank you for considering these comments. We ask that you provide them to the respondents, Newmont USA Limited and Dawn Mining Company.

Sincerely,

Sally Schlichting
Environmental Policy Analyst

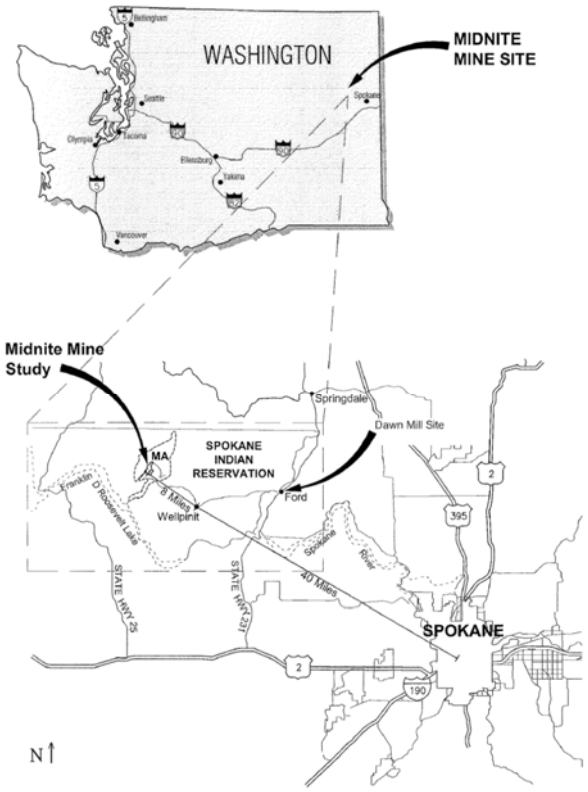
Enclosure: Midnite Mine Community Relations Plan

cc: Eric Rhodes, Brownfield Coordinator, Organized Village of Kasaan brownfields@kasaan.org
Doreen Witwer, Tribal Administrator, Hydaburg Cooperative Association
d_witwer@hotmail.com
Anne Marie Palmieri, DEC Project Manager, annemarie.palmieri@alaska.gov

[18] 42 U.S. Code § 9617(e)(2)

Midnite Mine Superfund Site, Wellpinit, WA

U.S. Environmental Protection Agency
Community Involvement Plan



Midnite Mine is an inactive, open-pit uranium mine on the Spokane Indian Reservation in Washington. It became a Superfund Site in 2000 when EPA added it to the National Priorities List. This plan provides information about the Midnite Mine Superfund and outlines opportunities for the community to become involved during the cleanup phase.

Contents

Goals of EPA's Community Involvement Program

1. Provide opportunities for the public to become actively involved
2. Meet the community's information needs
3. Incorporate community input, knowledge, issues and concerns into cleanup decisions
4. Give feedback to the public on how their issues and concerns were incorporated into the cleanup work.

The Purpose of the Community Involvement Plan

The purpose of the Community Involvement Plan is not to provide technical answers to the community's questions, but rather to show how, when and where EPA will provide information the public needs to understand our work, and to show how the community can be actively involved in the cleanup process.

EPA relies on the tools and techniques developed over the years, but has the flexibility to add site-specific activities as circumstances dictate. The official guidance for EPA's Community Involvement is available on the Internet at http://www2.epa.gov/superfund/community-involvement-tools-and-resources.

The CIP is a "living document," meaning that it will be modified as new information and issues develop over the course of the investigation and cleanup of the Site.

EPA understands that transparency in its cleanup process builds public confidence and encourages public participation. Frequent and informative communication and public education throughout the cleanup process should involve all stakeholders. Public education can be enhanced by the use of an independent technical advisor through grant programs (see below for more information).

We welcome suggestions from community members on how we can best keep you informed and involved.

Summary of Site History: From open-pit mining to mine closure, litigation to cleanup

Midnite Mine is an inactive open-pit uranium mine located on the Spokane Indian Reservation in Stevens County, Washington, about 8 miles northwest of Wellpinit. The mine was operated between 1954 and 1981 by the Dawn Mining Company on land leased from the Spokane Tribe and individual tribal members.

The mined area contains more than 33 million tons of waste rock, unprocessed and low-grade ore (also known as protore). It also includes two large open pits partially filled with water and several pits backfilled with waste rock. In addition to the mined area, the site includes mine-affected areas of sediment, surface water, soil and groundwater. Mine-affected surface water and groundwater enter Blue Creek and flow 3.5 miles along Blue Creek to the Spokane River.

Since mine closure, Dawn has been required to collect contaminated water flowing from the mined area. This water is pumped to the open pits for storage. An onsite treatment system has been used since 1992 to remove contamination from the water. The system works between the months of April and November. This treated water is then piped to a nearby surface drainage that leads to Blue Creek. Dawn transports the residual sludge from the water treatment process by truck to Energy Fuels at its White Mesa Mill near Blanding, Utah. At this facility, the uranium-bearing residuals are processed as alternate feed ore stock in the mill. While this effort to capture and treat the water has reduced the amount of contamination leaving the site in surface water, some contaminated groundwater emerges in the lower drainages which flow into Blue Creek.

In May 2000, due to elevated levels of metals and radionuclides at the site, EPA listed Midnite Mine on the Superfund National Priorities List of sites eligible for federal cleanup funds. EPA then began the Superfund cleanup process, which includes a large scale study of the problem and public comment on proposed cleanup options.

On September 29, 2006, EPA selected a cleanup plan in a Record of Decision, or ROD, with concurrence from the Spokane Tribal Business Council.
In October 2008, Newmont USA Limited, Dawn Mining Company, and the United States were found liable for the costs associated with the contamination. While negotiating with EPA to settle their liability, Dawn and Newmont p0erformed the following work required under an Order issued by EPA in November 2008: water treatment and sludge management, site fencing, completion of interim mechanisms to reduce impacts to Blue Creek, and data collection.

In September 2011, the mining companies and the United States signed a settlement agreement (referred to as a Consent Decree), which sets out requirements for design and implementation of the cleanup plan, as well as long-term operations and maintenance. This agreement was finalized in January 2012. Newmont and Dawn will perform the cleanup design and construction, while the Department of Interior will pay a share of the costs. EPA will oversee the work, in consultation with the Spokane Tribe. Under a separate agreement with the Tribe, the mining companies will fund the Tribe's continued involvement in overseeing the work.

Midnite Mine: The technical details

Contaminants

Past site investigations found that metals, including arsenic, cadmium, manganese, and uranium, and radioactive isotopes and decay products related to uranium, have migrated from open pits, ore/protore/waste rock piles into local groundwater and surface waters as a result of mining activities and environmental processes, such as acid mine drainage, radioactive decay, dust, and particle or dissolved contamination moving in surface water and groundwater.

EPA cleanup goals

The cleanup goals are to protect human health and the environment by:

- Preventing contact with mine waste;
- Reducing the amount of radon at the ground surface;
- Lowering the amount of radiation at the ground surface to natural levels;
- Preventing continued pollution of groundwater, surface water, sediments, and air; and
- Meeting cleanup standards for soil, sediments, surface water, and groundwater.

Cleanup Plan

- Mine waste (including waste rock and stockpiled ore) will be contained in the mine pits under a cover of soil and native plants.
- Water entering the pits will be removed and treated on site.
- Treated water will be discharged in the Spokane River Arm of Lake Roosevelt.
- Sludge, the waste resulting from the water treatment, will be taken offsite for disposal.
- Long-term operations, maintenance, and monitoring of the site will be accounted for in the cleanup design.
- Land and groundwater use will be restricted in areas where waste remains at the site.

Project Schedule

- The project schedule for the cleanup at Midnite Mine will be updated in January 2016. Currently, cleanup is anticipated to begin in Spring 2016.

Next Steps (and general timeframes)

1. Design the cleanup – engineering drawings and specifications. (Most design elements were completed in November 2015)
2. Begin the cleanup. (Spring 2015)
3. NPDES* Permitting. (Before construction of new treatment system)
4. Long-term monitoring and maintenance. (Upon completion of construction)
5. Delete from list of Superfund Sites. (When EPA determines no further cleanup actions are necessary to protect human health and the environment)

*As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

Communities and Resources Affected by Midnite Mine: Wellpinit and beyond

The Midnite Mine site is located on the Spokane Indian Reservation about eight miles from the town of Wellpinit, Spokane Tribal headquarters. Wellpinit is the cultural center of the reservation. Other communities on and near the Spokane Reservation include West End, Ford, Reardan, Fruitland, and Springdale. Another uranium mine, the inactive Sherwood Mine, is located about four miles south of Midnite Mine.

The reservation boundaries, established in an 1881 Executive Order by President Hayes, are: the 48th parallel on the north, the east bank of Chamokane Creek on the east, the south bank of the Spokane River on the south, and the west bank of the Columbia River on the west. The Spokane Indians are part of the Interior Salish group which has inhabited northeastern Washington, northern Idaho, and western Montana for centuries. For time immemorial, the Spokane's have lived along the Columbia River in three bands known as the Upper, Middle and Lower Spokane Indians. The Spokane Tribal Council serves as both the legislative and executive branches of the Tribe. The Council consists of a chairperson, a vice chairperson, a secretary, and two council members.

Members of the Spokane Tribe have a unique relationship with the land due to their subsistence lifestyle and cultural/spiritual practices, including hunting, fishing, gathering roots and berries, logging, sweat lodge and medicinal plant use.

Census data

The 2000 and 2010 census data show the resident population of the reservation to be 2,004 compared to 1,502 in 1990. In 2010, 73% percent of the population on the Spokane Indian Reservation was documented as American Indians, compared to 83% in 2000. In 2010, the median (mid-range) age of the population was 27, up from 22 in 2000. In 2010, median household income was $33,840 (which is up from $27,949 in 2000, but is well below the state-wide median income of more than $56,000). In 2010, the unemployment rate was just over 12% and the logging industry is no longer the primary employer. Public administration accounts for 26% of the jobs; with arts/entertainment/recreation employing 16% of the adult population, agriculture/forestry/fishing and hunting, 13%; construction 11%; teaching/educational services 11%; and other occupations for the remaining population. Most houses on the reservation rely on private sources of water, sewage disposal, and heat. In 2000, about 51% relied on water from private wells; 38% had access to a public water system or a private water company; and 11% obtained their water from other sources.

Land use

The primary land uses on the Spokane Indian Reservation are timber and multiple-use forestry, livestock grazing, and agriculture. Land use on the reservation also supports a traditional tribal lifestyle, including subsistence, cultural/spiritual, and medicinal activities. Each member of the tribe may hunt, fish, or gather anywhere on the reservation. Hunting and gathering are done to provide tribal members with a variety of aquatic and terrestrial plants and animals for subsistence, cultural, and medicinal purposes. During hunting, fishing, or gathering activities, tribal members may live off the land by consuming water (from seeps, springs, or streams), native plants, and animals. Some of these activities are conducted in areas on or near the Midnite Mine site.

Some areas on or near the site are also used by tribal members for conducting cultural/spiritual activities, such as sweat lodge ceremonies. Sweat lodges are typically constructed of natural materials (e.g., branches, moss, leaves) near a source of water (e.g., springs, seeps, or streams).

The Next Step: Community involvement during implementation of the cleanup

EPA's project team's role for community involvement during the cleanup phase of this project is to provide project updates and discuss construction-related activities that may impact the community. These include design and environmental controls such as haul routes, work hours, and dust control and air quality monitoring.

The project team will maintain its dedication to completing the project with principles of environmental justice, sustainability and responsibility, as well as be engaged with the community, seeking out and facilitating input.

We welcome suggestions from community members on how we can best keep you informed and involved.

On the following pages, we have listed the tools we generally use to exchange information between the community and EPA.

Information Exchange between the Community and EPA

Tool	EPA's Role	Community's Role	Tribe's Superfund Coordinator's Role
POINTS OF CONTACT Specific contact information is provided in the next section.	During regular Federal Government operating hours, one of the EPA contacts should be able to return your call within 24-48 business hours. If we are out of the office, we will update our outgoing voicemail message to let you know when you can expect us to return your call.	If you see something that concerns you or that you have a question about, please call the Superfund Coordinator to the Spokane Tribe or the EPA Project Manager. For **emergencies and other sudden threats** to public health, such as: • oil and/or chemical spills • radiation emergencies and • biological discharges Call the EPA **National Response Center at 1-800-424-8802**.	The Superfund Coordinator to the Tribe can answer technical questions about the cleanup and will announce technical meetings via the email list.
WEBSITE The website URL is provided in the next section.	EPA has a website to share information about the site, including: • Final technical documents • Record of Decision • New fact sheets • Meeting announcements • Construction updates	If there is something you'd like to see on the website, please let us know.	The Tribe's Superfund Coordinator may suggest items for posting on the website.
FTP SITE	EPA is no longer administratively able to post additional site-related documents to the Midnite Mine FTP site. However, the site will not be taken down, and will be available to review historical documents via the following ftp link: ftp://ftp.epa.gov/reg10ftp/sites/midnitemine/		
FACT SHEETS	EPA uses fact sheets to provide site-related information to the community. EPA developed a fact sheet about completion of the 100% design in November 2015, and will prepare others as needed.	If there is a topic you would like to learn more about, please let us know.	The Tribe's Superfund Coordinator may identify topics that might be summarized in a fact sheet.

MAILING LISTS	In the past, EPA has used mailing labels generated by the Tribe to mail hard copies of Fact Sheets and any postcard updates to Tribal members. EPA will maintain a mailing list of emails for electronic distribution of fact sheets, meeting notes, and periodic site updates. You can sign up to receive these emails at the EPA website. The current list has 180 entries (2015). EPA will maintain a mailing list for people who are interested in the site but are not in the tribal database. This mailing list for mailing paper copies (e.g., Fact Sheets) will only be used for communication on major project milestones (e.g., design completion, construction completion, five-year reviews).	If you would like to be added to or deleted from the mailing and/or email lists, please contact the EPA Project Manager.	The Tribe keeps a database of tribal members and addresses. If provided by the Tribe, EPA will use these addresses to generate mailing labels for site-related mailings only.
TRIBAL COUNCIL UPDATES	EPA will ask the Tribe's Superfund Coordinator to set up a briefing for the Council if we have some information we'd like to share or we are requested to brief the Council. EPA has consulted with the Tribe in accordance with our consultation policy.	If there is a topic you think EPA and the Tribal Council should discuss, please inform both the Tribe's Superfund Coordinator and EPA.	The Superfund Coordinator provides regular updates on technical issues to the Tribal Council.
BRIEF TRIBAL DEPARTMENT OF NATURAL RESOURCES		Please let the Tribe's Superfund Coordinator know if you feel that information is not being adequately communicated to DNR and the Tribal Council.	The Superfund Coordinator will brief DNR and Tribal Council on site-related activities.
PRESS RELEASES	Press releases will be prepared as needed. Most recently, EPA provided a Fact Sheet to the Rawhide Press and the Spokane Spokesman Review when the final cleanup design was completed in November 2015.		
GOVERNMENTAL OUTREACH	EPA will send our Fact Sheets to the Spokane Tribal Council and various elected federal officials in Washington state.		

RAWHIDE ARTICLES	EPA may submit articles to the Rawhide press about site-related items.		
TECHNICAL MEETINGS	Any technical meetings that are held will provide an opportunity for community questions and concerns. EPA will provide an agenda in advance of the meeting, and will identify any next steps during or after the meeting.	Community members may choose to attend technical meetings.	
COMMUNITY MEETINGS	EPA will host Community Meetings as needed to present current information about work being done at the site and to hear your comments. EPA will post community meeting announcements via: • Email lists • Tribal Administration building • Rawhide Press • EPA's website Meetings would likely be held in Wellpinit.	If you would like to have EPA host a community meeting, please let us know.	The Tribe's Superfund Coordinator will let EPA know of any community, Tribal Council, or Administration requests for a community meeting. The Superfund Coordinator will assist in finding an appropriate time and location for the meetings.
PROJECT UPDATES DURING CLEANUP CONSTRUTION	After the construction contractor is selected to implement the cleanup, EPA will develop an approach for providing regular project updates during construction.		

INFORMATION REPOSITORY AVAILABILITY OF DOCUMENTS	EPA will update the information repository listed below with copies [electronic (CDs) and paper] of major site documents, Fact Sheets and other relevant items as they are finalized. EPA Region 10 Superfund Records Center 1200 Sixth Avenue, Suite 900, Seattle, WA 98101 Hours: 8:30 am-4:30 pm, M-F Call for an appointment: 1-800-424-4372 ext. 4494 (or ask for the Records Center) Information is also provided at EPA's website: http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/Midnite [Note: EPA's website is undergoing transition and some URLs may change.] Electronic (CDs) and paper copies of site documents are also available in Wellpinit: Yiru Scemi Library Spokane Tribal College 6232 Old School Road Wellpinit, WA Hours: 9:00 am-4:00 pm, M-F 509-258-7784	If you would like to learn more about EPA's information repository, please contact the EPA Project Manager.	

INFORMAL COMMENT PERIODS ON NEW TECHNICAL DOCUMENTS	Technical documents provide much of the information that is used to identify contamination at the site and how EPA plans to address contaminated areas as part of the cleanup. While EPA provided the opportunity for the community to provide input throughout the investigation, cleanup and remedial design phases, once construction starts there will be project updates to share but it is not anticipated that there will be formal technical documents prepared for review. Any future design documents (e.g., for the new Wastewater Treatment Plant) or determinations about additional cleanup actions (e.g., decisions that will be made about Lower Blue Creek) will be made available for community review. Also, there will be community review for the new discharge permit for the treatment plant. EPA will make every effort to provide at least 2 weeks for the community to review the documents.	Even if there are not technical documents provided for community review, if you have concerns or a question about the cleanup project, please let us know.	
VISIBLE SIGNS AND NOTICES AROUND THE SUPERFUND SITE	The Mined Area of the site is currently posted with warning signs and the entire area is fenced. Lower drainages below the fence line and Lower Blue Creek along the road are posted with warning signs.	If you identify an area where you think a sign should be posted, please let us know.	

Contact Information

U.S. ENVIRONMENTAL PROTECTION AGENCY

Karen Keeley
EPA Project Manager
(206) 553-2141
keeley.karen@epa.gov

Jim Zokan
EPA Tribal Liaison
(208) 378-5691
zokan.jim@epa.gov

EPA does not currently have a Community Involvement Advisor assigned to the site.

EPA Superfund Website for Midnite Mine: http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/Midnite

For TTY users: please call the Federal Relay Service at 1-800-877-8339 and give the operator the EPA phone number.

SPOKANE TRIBE

Randy Connolly
Superfund Coordinator to Spokane Tribe
(509) 626-4425

Yiru Scemi Library
Spokane Tribal College
6232 Old School Road, Wellpinit, WA
Hours: 9:00 am-4:00 pm, M-F
Kathleen Collins Kathleen_Collins@skc.edu
(509) 258-7784

BJ Kieffer
Director, Tribal Dept. of Natural Resources
(509) 626-4427

For mailing addresses:
Vicki Raymond, Enrollment Officer
Spokane Tribe of Indians
PO Box 100
Wellpinit WA 99040
(509) 458-6523

Carol Evans
Tribal Council, Chair (2015)
(509) 458-6504

Spokane Tribe
(509) 458-6500
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HEALTH-RELATED QUESTIONS

Rhonda Kaetzel
Agency for Toxic Substances and Disease Registry
(206) 553-0530

Environmental Justice – Fair Treatment and Meaningful Involvement

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Income and employment levels, baseline health concerns, and subsistence activities, among others, lead EPA to consider environmental justice concerns when planning outreach and cleanup around the site.

EPA will take the following disproportionate adverse impacts into consideration when making decisions about the cleanup:

- Community health and safety issues including traffic or truck routing patterns and concerns
- Air impacts including cumulative health risks and burdens
- Waste containment and future uses of the site
- Water impacts
- Subsistence foods
- Cultural traditions and resources

Cleanup design and construction documents and discussions can be highly technical. We will meaningfully involve the community when we communicate information to the community, we will strive to make it understandable and accessible to all, regardless of race, color, origin, income, culture, and degree of English proficiency. A strong effort to acknowledge and respect the many ways people present, provide, discuss and receive information will be undertaken and addressed.

Resources available to help communities address environmental justice issues include:

- Grants and contract funds for technical support and facilitation
- Training – environmental justice policies, SUPERJTI (the Superfund Jobs Training Initiative), grants training

Other efforts in achieving environmental justice may include, but are not limited to:

- The sharing of materials with appropriate communication sources (email list serve, website, newspaper, local businesses, etc.);
- Ensuring key community leaders are debriefed on project details and upcoming events so that they may be an information source for the community; and
- Appropriate outreach at local community gatherings and events, which will be coordinated with the Tribe, via Tribal Department of Natural Resources.

The specific interests and values of the community will influence the weight of certain project issues and inform the focus of the outreach and input process. For example, if the community expresses concern about safety, the project team will pay particular attention to construction/site standards, speed limits and health concerns.

Tribal Consultation – Coordination with the Spokane Tribe of Indians

EPA's policy is to consult on a government-to-government basis with federally-recognized tribal governments when EPA actions and decisions may affect tribal interests. Consultation is a process of meaningful communication and coordination between EPA and tribal officials 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. For more information, see EPA's Policy on Consultation and Coordination with Indian Tribes (May, 2011), which is posted at: http://www2.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes. EPA Region 10's working definition of Tribal Consultation is posted at: http://www2.epa.gov/tribal/region-10-tribal-program.

Consultation should occur early enough to allow tribes the opportunity to provide meaningful input that can be considered prior to EPA deciding whether, how, or when to act on the matter under consideration. As proposals and options are developed, consultation and coordination should be continued, to ensure that the overall range of options and decisions is shared and deliberated by all concerned parties, including additions or amendments that occur later in the process.

Region 10 has a Senior Tribal Policy Advisor, Jim Woods, who is a member of the Makah Indian Nation. Jim has an extensive background in tribal natural resource policy. Jim is a close advisor to the Regional Administrator, Deputy Regional Administrator and Executive Team.

Activities taken to date:

- EPA has consulted with the Tribal government at key points of the study phase and during litigation and negotiations with the mining company. EPA will continue consultation throughout the cleanup process.

- EPA representatives coordinate with the Spokane Tribe's Department of Natural Resources and the designated Superfund Coordinator, Randy Connolly. In turn, Randy coordinates document reviews and serves as a point of contact for EPA on day-to-day communications and as the overall tribal representative for the project. EPA relies on Randy to relay information to other Tribal officials and the Tribal government.

- Technical documents, such as plans, reports, and related correspondence, are provided to the Tribal Superfund Coordinator for review prior to being finalized.

- The EPA Project Manager and Community Involvement Coordinator coordinate as needed with EPA's Tribal Liaison, Jim Zokan, with project managers for other sites that affect the Spokane Tribe, and with other EPA staff managing grants to the Spokane Tribe.

General Overview of the Superfund Cleanup Program

The following is a general listing of the many steps in EPA's cleanup process. As of November 2015, Midnite Mine Superfund Site is at the completion of the Remedial Design phase, so Step 8 will be the next step.

1. Site Discovery
The first step in the Superfund process is called Site Discovery. This term applies to all of the different ways that EPA becomes aware of the need to consider a site for cleanup. Sometimes the notification comes from the general public, sometimes from a State that has been working on the site, and sometimes other sources, such as the media or a Tribe, bring the site to EPA's attention.

2. Preliminary Assessment/Site Investigation (PA/SI)
Following Site Discovery, EPA reviews any existing information, including prior sampling results, in a step called the Preliminary Assessment. This is followed by various activities such as a site visit or additional sampling, which are called the Site Investigation. Together these are called the Preliminary Assessment/Site Investigation or PA/SI.

3. National Priorities List (NPL) Process
If the information warrants it, EPA then goes through the National Priorities Listing (NPL) process, which requires an analysis of the types of known or suspected contaminants and their location next to people or the environment, to determine the potential for harm. The analysis document, the NPL Scoring Package, becomes the basis for approaching a State's Governor to request the State's agreement for proposing that the site be added to the National Superfund List.

4. Remedial Investigation (RI)
Following NPL listing, EPA designs a thorough investigation of the site, characterizing both the lateral extent of contamination (the area affected and to what depth), and the types and concentrations of contaminants. This usually involves a significant air, soil, surface water and/or groundwater sampling process and often times multiple sampling events that can take many years. During this time, the site's Community Involvement Coordinator conducts stakeholder interviews to help understand the unique issues and concerns. This information rolls into a Community Involvement Plan (CIP) which organizes EPA's public participation effort. The CIP shows how, when and where EPA will provide information the public needs to understand our work, and to show how the community can be actively involved in the cleanup process. The CIP includes contact information and tools generally used to exchange information and ideas between the community and EPA. Sometimes at the conclusion of the RI, EPA issues a fact sheet that summarizes the findings. The RI is placed in the Information Repository (usually at a library) and some portions are placed on a site-specific EPA website.

5. Feasibility Study (FS)
Once the contamination has been identified, EPA develops a list of possible ways to address it. The tools, techniques and process are organized into alternatives, often with multiple elements, that are evaluated using a number of criteria, including protectiveness of human health and the environment, ease of implementation, cost, and time to reach cleanup goals. Sometimes certain elements are tested at a small scale in the laboratory or in the field. These are called treatability studies. Their results of the Feasibility Study help EPA decide which alternatives should be considered and offered to the public for their comments. For this site, the Feasibility Study is available in the Information Repository and on the EPA website. The RI and FS are often spoken of in combination because they are often part of the same scope of work, so they are often described as the "RI/FS process".

6. Proposed Plan (PP)
A Proposed Plan is a short document written to describe EPA's preferred cleanup alternative for stakeholders. The Proposed Plan is distributed by EPA and is available for a formal 30-day comment period (minimum). The plan summarizes the findings of RI/FS, compares various ways to address site contamination, identifies EPA's preferred alternative, and explains how to provide public comments to EPA on the plan.

7. Remedial Design (RD)
Remedial Design is the development of the Basis of Design Report, including engineering drawings and specifications, for a site cleanup. This phase follows the remedial investigation/feasibility study. A fact sheet is distributed when the design work is final.

8. Remedial Action (RA)
Remedial Action is the actual implementation of the cleanup at the site. For this site, it will include removal and containment of waste piles/rock/protore/contaminated soil and sediment, earthwork, long-term site management, and implementation of institutional controls or any other aspect necessary for the selected remedy in the Record of Decision.

9. Five-Year Review
This is an analysis prepared every five years to determine if completed site remedies remain protective of human health and the environment. Prior to beginning the Five-Year Review process, EPA notifies the community and asks members to provide any information they have about the operations of the remedy as it currently stands, or any issues and concerns that have arisen regarding the remedy. When the Five-Year Review report is complete, the community is notified of the results and the document is posted on EPA's website.

10. Delisting
When a site has met its cleanup objectives, it can be removed from the National Priorities List (NPL or the Superfund List). When proposing removal of a site from the NPL, the public is notified and a comment period is held on the delisting process.

One other step in the site's cleanup process might occur.

1. ROD Amendment/Explanation of Significant Differences
If a final remedy needs to be significantly changed after a Record of Decision has been made, EPA will prepare either a ROD Amendment or an Explanation of Significant Differences depending on the nature of the proposed changes. EPA will notify the public and describe the community involvement activities for this action.

ATSDR - Excerpt from Public Health Assessment

In 2010, the Agency for Toxic Substances and Disease Registry published a public health assessment (PHA) that evaluated potential health hazards associated with exposures to environmental contaminants from the Midnite Mine site.

What is ATSDR?
The Agency for Toxic Substances and Disease Registry (ATSDR) is the federal public health agency whose mission is to prevent adverse human health effects that result from hazardous waste exposure. The agency conducts public health assessments (PHAs) or evaluations to determine whether communities have been exposed to hazardous waste and then provides health information to prevent harmful exposures and related diseases.

What is environmental exposure?
Environmental exposure occurs when you contact a chemical substance or radioactive material in your environment. This could be where you work, live, and/or play. For chemical exposure to occur you must come in contact with the substance or material and it must enter or touch your body. Exposure to radioactive material can occur these ways too, or it can enter your body if you are close to it.

Excerpt from ATSDR's Public Health Assessment
"In preparing this PHA, ATSDR gathered and reviewed numerous reports, studies and sampling data collected by various parties, including EPA's contractors for the Midnite Mine Remedial Investigation/Feasibility Study (RI/FS), and, Expanded Site Investigation, by other federal governmental agencies, and by a contractor for Dawn Mining Company (DMC).

ATSDR's public health conclusions about potential exposures to environmental contaminants at the Midnite Mine site are as follows:

- Exposure to site contaminants (metals or radionuclides) is a public health hazard for individuals who use the mining-affected area for traditional and subsistence activities. This category indicates that long-term exposure to site contaminants could cause harmful health effects. The specific activities associated with these exposures are as follows:

  - drinking water from drainages and seeps in the mining-affected areas;
  - breathing water vapor generated by heating water from drainages and seeps during sweat lodge ceremonies;
  - accidentally ingesting sediments along seeps and drainages in the mining-affected area;
  - eating terrestrial plants and roots in mining-affected area;
  - eating aquatic plants from drainages in the mining-affected area or from Blue Creek;
  - eating fish from Blue Creek.

- Exposure to site contaminants is not an apparent public health hazard for individuals who visit the mining-affected area (including Blue Creek), but do not conduct traditional or subsistence activities. This category indicates that human exposure might be occurring, but the exposure is not expected to cause any harmful health effects.
- Exposure to physical hazards and site contaminants in plants, water, and surface materials in the mined area is currently not an apparent public health hazard because the mined area is completely fenced and access is restricted.

- Exposure to site contaminants from eating meat or organs (e.g., liver, kidneys) from big game (e.g., deer, elk) that graze, forage, or live in the mined or mining-affected area is an indeterminate public health hazard because data (i.e., contaminant concentrations in game meat or organs) are not available to evaluate those potential exposures.
- Exposure in the future to contaminated groundwater from private drinking water wells and to radon in indoor air is an indeterminate public health hazard because it is not known if residences will be built in the mining-affected area or if such residences would use private wells as a source of drinking water.
- The remedy selected by EPA in its Record of Decision (ROD) for remediating the Midnite Mine site is protective of public health. The selected remedy includes excavation and consolidation of mine wastes in the mined area; collection and treatment of contaminated mine seeps; institutional controls and access restrictions; and measures (such as signs and advisories) to minimize potential exposures to contaminants in groundwater, surface water, sediment, plants, and wild game, until cleanup levels are achieved.

Based on those conclusions, ATSDR made the following public health recommendations:

- Ensure that warning signs are posted and clearly visible at each of the gates to the mined area.
- Continue to restrict access to the mined area and maintain fencing until cleanup of the mined area has been completed.
- Continue interim measures to reduce contaminant releases from the mined area to nearby surface waters, including Blue Creek (e.g., controlling water levels in the open mine pits, capturing contaminated seeps, operating the water treatment plant).
- Implement institutional controls to prevent use of groundwater in the mining-affected area until established cleanup levels are met.
- Reduce potential exposures to site contaminants in surface waters, sediments, fish, plants, and big game by installing signs or issuing notices advising tribal members not to:
  - use water from seeps, drainages, or Blue Creek for drinking or sweat lodge ceremonies;
  - gather plants in or along mine drainages and Blue Creek in the mining-affected area;
  - consume fish from Blue Creek;
  - consume the organs, especially the liver and kidneys, from deer, elk, or other big game harvested in or near the Blue Creek drainage area.
  - Sample plants in the mining-affected area that are commonly used by tribal members for subsistence, medicinal, religious, or other traditional purposes, and analyze the samples for metals and radionuclides.
  - Collect tissue samples from fish in Blue Creek and analyze the samples for metals and radionuclides.
  - Conduct a study of contaminants in meat and organs (e.g., liver, kidneys) of big game (e.g., deer, elk) that live or forage in the Blue Creek drainage area.
  - Conduct appropriate health education activities to increase public awareness of potential exposures to environmental contaminants from the site and of ways to reduce or prevent such exposures."

Past Community Involvement for Midnite Mine Site

EPA staff have met and talked, at meetings and informally, with members of the community during the study and decision phase. Input EPA received between 1999 and 2014 are listed in an earlier version of this plan (most recently March 27, 2012), which is now stored in the EPA Superfund Records Center. Also, the ROD includes a summary of public comments and EPA responses to the comments, and the Basis of Design Report and Drawings includes a document that summarizes comments received on the design documents and responses to comments.

Earlier questions, concerns and issues relating to the Midnite Mine Superfund Site have fallen into several categories:

- EPA's relationship with the community
- The Tribe's cultural relationship to land and resources
- Health concerns – cancer risk, indoor air, food/water consumption and direct contact with water or dust/dirt
- Cleanup: methods, timing, adequacy
- The need for jobs and job training
- Worker health and safety
- Psychological impacts in community
- Safety of food supply
- Access to the site
- Construction materials
- How decisions will be made in site design and how community can provide input
- Future uses of the site

Past community involvement activities:

- April 1998: Fact sheet distributed.
- February 1999: A 60-day public comment period was held following the proposal to add the Midnite Mine site to EPA's National Priorities List.
- March 1999: EPA representatives met with members of the Tribal Council to discuss the site and interview them for the Community Involvement Plan. Their comments were included in the Appendix of the CIP.
- July 1999: The Tribe hosted a meeting for EPA to talk with Tribal members and conduct community interviews. Concerns expressed during the July meeting were outlined in the Appendix to the Community Involvement Plan.
- July 1999: Fact sheet distributed.
- August 1999: Notices were posted to announce an upcoming EPA roadside radiation scan.
- October 1999: Fact sheet distributed
- January 2001: Public informational meeting held in Wellpinit
- June 2001: Fact sheet distributed
- June 2001: Customer Feedback surveys were sent to the entire mailing list. Nineteen of these forms were returned to EPA, which helped us see what was working and what could be improved or changed in our fact sheets. A summary of comments are listed in the 2001 CIP.
- October 2001: Fact sheet distributed.

- October 2001: Public informational meeting held in Wellpinit.
- December 2001: EPA finalized community involvement plan.
- Summer 2002: EPA worked with the Tribe to set up a Midnite Mine educational kiosk at the Tribal Center. It included: a large photograph and map of the mine; a health-risk graphic; contacts; general background information about the mine; cleanup steps; tips on how to get involved; a place for current fact sheets and other site-related information.
- October 2002: Fact sheet distributed.
- October 2002: EPA mailed a survey to the Spokane Tribe mailing list asking about site-related health concerns. The survey was enclosed with a fact sheet. EPA's purpose was to get ideas to help us improve our outreach efforts. We received 44 responses and compiled the results. A summary is provided in the 2003 CIP.
- November 2002: Public informational meeting held in Wellpinit.
- March 2003: To address the concerns heard in the 2002 survey, EPA sent a list of potential outreach recommendations to the Spokane Tribe for comment.
- In April 2003, EPA staffed an informational booth at the Wellpinit School Annual Health Fair. Many people stopped by to talk with us and pick up materials.
- June 2003: A postcard was mailed to announce a public informational meeting.
- June 2003: Public informational meeting. EPA provided the survey results and outreach recommendations. These are also posted on the EPA Midnite Mine web site.
- Summer 2003: 30-day public comment period to gather comments on a proposal to remove radioactive roadside ore at Midnite Mine. An announcement of the public comment period was published in the Rawhide Press and sent to EPA's Midnite Mine mailing list. We also announced the comment period at the June 17, 2003 public informational meeting, and mailed a postcard announcement to EPA's mailing list.
- 2003: Community involvement plan (CIP) updated.

2005 Remedial Investigation/Feasibility Study:

- Written site updates issued at least annually (twice yearly for the first several years).
- Public meetings were held in Wellpinit with a similar frequency.
- Key reports were made available to the public, at EPA and the Spokane Tribe Department of Natural Resources.
- EPA published information about the RI/FS in the Rawhide Press.
- EPA staff made educational visits to classrooms and held meetings with community members and groups interested in the Site.
- EPA staff participated in a health fair attended by students, teachers, parents, and others. EPA staff also presented information at several meetings of the Sovereignty Health Air Water Land (SHAWL) Society and Community Uranium/Radiation Education (CURE) community groups.
- Through the EPA-funded program for Technical Outreach Services for Native American Communities (TOSNAC), the community groups had access to technical support for reviewing and interpreting technical documents.

Proposed Plan and Administrative Record (2005), Record of Decision (2006):

October 3, 2005. A notice of the availability of the Proposed Plan and Administrative Record was published in the Spokesman Review and a complete copy of the Administrative Record was placed in the information repository at the Spokane Tribal College and Community Library on the Spokane Reservation in Wellpinit. A copy was also made available at the Superfund Records Center in the EPA Region 10 office in Seattle.

In 2005, EPA provided an initial 30-day comment period on the Proposed Plan. An extension to the public comment period was requested. In response, EPA extended the comment period by 30 days, to December 7, 2005. On November 2, 2005, several individuals and groups requested additional time for comment, and EPA further extended the comment period to January 18, 2006. Including extensions, the public comment period totaled 105 days.

Public meetings related to the Proposed Plan were held on October 19, 2005, November 2, 2005, and January 18, 2006. At the first meeting, EPA presented the Proposed Plan and informally answered community questions. The latter two meetings were formal hearings, with comments recorded by a court reporter for consideration by EPA. EPA's response to comments received during the public comment period is included in the Responsiveness Summary, which is part of the Record of Decision.

The Selected Remedy in this Record of Decision is based on the Administrative Record for the Midnite Mine Site. The Administrative Record file includes the Proposed Plan, comments and transcripts from formal public hearings, key reports and studies, correspondence, and guidance documents used to support the selection of a response action at the Site, and the Record of Decision. The complete Administrative Record is available at EPA Region 10 in Seattle and the Yiru Scemi Library in Wellpinit (see Contact Information above).

September 29, 2006. Final cleanup plan (Record of Decision, or ROD) for the site was issued. A fact sheet was issued in October 2006.

Litigation and Final Settlement Agreement

2005 – 2008. Litigation with the mining companies and the Tribal Government. During this time period, EPA's Remedial Project Manager communicated directly with community members via email and school presentations.

2008 – 2010. Under the EPA order of November 2008, the mining companies upgraded existing seep capture and surface water controls and added some wells to improve groundwater capture, and began pre-design investigations to refine waste rock volumes, pit capacities, sources of material for use in the cover and drainage layer, and siting for water storage and a new water treatment plant. They worked on land use and technical issues related to a pipeline for treated water to go to the Spokane Arm for discharge. They tested the ion exchange method of removing uranium before creation of the sludge, to change the waste characteristics of the sludge and lower disposal costs.

May 2009 – September 2011. Negotiation of a legal settlement agreement (Consent Decree) for the completion of the design work, cleanup, and long-term operation and maintenance.

September 2011. Consent Decree filed in U.S. District Court – subject to a 30-day public comment period and subsequent approval by the federal court.

Remedial Design (Basis of Design Report and Drawings)

January 2012. Consent decree signed by federal Judge: beginning the Remedial Design phase. Press release issued.

September 2011. Information about a non-Superfund study of radiation on the Reservation conducted upon the Tribal Government's request was posted to EPA's website and distributed via a FAQs Fact Sheet. Results from the study were posted on EPA's FTP site in February 2012.

2012 – 2013. Remedial Design information posted on large poster boards ("kiosks") at three locations:

- The Number One Store, 5243 Ford-Wellpinit Road, Ford, WA
- Spokane Tribe of Indians, Administration Office, 6195 Wellpinit - West End Road, Wellpinit, WA
- Spokane Tribe of Indians, Temporary Assistance for Needy Families (TANF), 226 E. Lyons Ave., Spokane, WA

In addition, posters were used to present the following information:

- "Preliminary Construction Schedule"
- "Questions the Community May Have"
- "Potential Job Categories"

January 2013. Community meetings were held in Wellpinit to discuss preliminary design issues and for Technical Assistance Services for Communities (TASC) to present information from their review of the design documents. TASC is an EPA funded program that provides independent educational and technical assistance to communities.

November 2015. EPA approved the 100% Remedial Design (RD) submittals and distributed a Fact Sheet about the RD via mailings, the email list serve, and the website. The 100% RD is available electronically on EPA's website and at EPA's Superfund Records Center in Seattle, and 2 CDs and one paper copy are available at the Yiru Scemi Library in Wellpinit (see Contact Information above). At this time, the library has five laptop computers available for use.

Other Activities

- Ongoing. The EPA Midnite Mine Superfund Site Website page is updated regularly with current site documents and contacts.
- May 2010. EPA and ATSDR staffed an informational booth at the Wellpinit School Annual Health Fair.
- April 2011. EPA visited middle school science class to discuss Midnite Mine.
- November 2011. EPA visited elementary and middle school science classes to discuss Midnite Mine.
- February 2012. Community meeting held in Wellpinit, facilitated by an external facilitator.