
File Code: 2160
Date: September 30, 2020

Ms. Sally Schlichting
Southeast Alaska Conservation Council
2207 Jordan Ave.
Juneau, AK 99801

Dear Ms. Schlichting:

Thank you for your comments on behalf of the Southeast Alaska Conservation Council in response to the USDA Forest Service's proposed Administrative Settlement Agreement and Order on Consent (ASAOC) for the Ross-Adams Mine Site (the Site). The Forest Service is committed to conducting the Removal Action at the Site in accordance with the Comprehensive Emergency Response Compensation and Liability Act (CERCLA), Executive Orders 12580 and 13016, which delegates Presidential authority to the Forest Service for the Site, and EPA's CERCLA regulations at 40 C.F.R. Part 300.

As you may know, the Forest Service has conducted hundreds of investigations and cleanups of former mine sites under CERCLA. We generally use the removal action process for that work because we find it to be more expeditious and cost effective than the remedial action process, and we are utilizing our removal action authorities at this Site as well. Nevertheless, we and the ASAOC Respondents (Respondents) have conducted an exhaustive investigation and analysis of the site that has cost over two million dollars to date.

We appreciate that you believe additional analysis and input from Alaska's Department of Environmental Conservation (ADEC) and the Environmental Protection Agency (EPA) would be helpful, but we note that both agencies participated extensively in the investigation already and submitted comments that the Forest Service carefully considered before we finalized the Action Memorandum selecting the cleanup alternatives for the Site. In fact, in this case, we have already gone well beyond our typical practice in removal actions for coordination with other Federal and state agencies. Also, the cleanup alternatives we selected are the most protective of human health and the environment of all the alternatives evaluated in the Engineering Evaluation and Cost Analysis (EE/CA).

Further investigation and analysis will be conducted as the cleanup proceeds. We will continue to conduct public outreach to interested parties as the cleanup proceeds not inconsistent with the CERCLA statute and regulations for removal actions. In particular, we thank you for your detailed suggestions on the Statement of Work (SOW), and we will consider those comments as we further develop the various plans required to implement the cleanup. However, to the extent you believe that the CERCLA statute or the implementing regulations should be changed to require all removal action deliverables be approved by state agencies or other interested parties, that is an opinion better directed to your Congressional representatives or EPA Headquarters. We will follow the CERCLA removal process as it is codified in its current form, which hasn't




changed significantly since the 1980's. We have and will continue to consult with tribes and local communities throughout the cleanup process.

Of course, we are all eager to see the results of the cleanup plan that will be implemented by the Respondents. While we are confident that the cleanup will achieve all of the standards set forth in the Action Memorandum and Statement of Work, if that turns out not to be the case, we will work with interested parties, including EPA and ADEC, to respond appropriately.

Finally, with regard to your proposal for five-year reviews, we note that those are only required for remedial actions, not removal actions. Nevertheless, the Forest Service is committed to conducting long-term oversight of the Site. The Respondents will be preparing a Post-Removal Site Control Plan per the Statement of Work. Short- and long-term monitoring plans for the time period after the ASAOC is concluded will be included in the plan. It will be developed at the same time as the Draft Construction Completion Report close to when the Removal Action is completed. Activities outlined in the plan will take into consideration monitoring identified in the EE/CA for the selected alternatives and will be designed to ensure the Removal Action is protecting human health and the environment.

After careful review of the comments received, the Forest Service has determined that the comments do not require any changes to the ASAOC and that the ASAOC is final. The Respondents have been notified they may proceed with the Removal Action. Alaska On-Scene Coordinator Linda Riddle will oversee the project for the Forest Service. She can be reached at linda.riddle@usda.gov or at (907) 419-5126.

Sincerely,


DAVID E. SCHMID
Regional Forester

cc: Eric Rhodes, Doreen Witwer, Denise Koch, Anne Marie Palmieri