



LEECH LAKE BAND OF OJIBWE

Carri Jones, Chairwoman
Arthur "Archie" LaRose, Secretary-Treasurer

Penny DeVault, District I Representative
Steve White, District II Representative
LeRoy Staples Fairbanks III, District III Representative

January 26, 2015

Susan Hedman, Administrator
USEPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Re: St. Regis Paper Company Superfund Site

Dear Administrator Hedman —

I write today to express to you my great concern for the environmental quality future of the Leech Lake Band of Ojibwe (LLBO) and for all residents and visitors who utilize and enjoy the sustenance and security that our Leech Lake Reservation natural resources provide. The primary reason for my concern is the St. Regis Paper Company Superfund Site (Site), located in the Reservation community of Cass Lake which is not only the largest Reservation community but also home for our Tribal Government Headquarters. The sixty year history of the Site, a former wood preservative industry, includes a cleanup effort that is now thirty years in the making. There has never been a full remedial investigation of the Site. My staff advises that each LLBO request for further Site investigation over the last fifteen years has resulted in either newly identified or more extensive areas of contamination, including soil, groundwater, sediment and fishery resources. Examples include: 1) Site contaminants released into surface waters due to Site treated effluent discharge 2) Site contaminated groundwater discharge to surface water due to responsible party (RP, International Paper/Burlington-Northern Railroad) failure to contain Site contaminated groundwater plumes 3) the 2013-14 solid waste investigation at the City dump confirmed Site contaminants 4) more extensive Site source materials at OU2, including a contaminated groundwater plume suspected as the source of upstream sediment contamination in the surface water Fox Creek.

My concern lies not only with the length of time it is taking to clean up the Site but also with EPA's ongoing separation of Site contaminated soil, groundwater, sediment and surface water resources. This separation of resources likely originated with the failure to conduct a comprehensive Site remedial investigation thirty years ago. The resulting piecemeal Site investigations have drawn out the time needed to understand the nature and extent of Site contamination and have led to separate resource cleanup activities that do not take into

consideration the how the cleanup of individual Site contaminated resources such as soils can impact cleanup of other Site contaminated resources such as groundwater. It is this soil and groundwater resource relationship that is the basis for our long standing request for the development of a Site groundwater cleanup completion time frame and a strategy to accomplish the cleanup. LLBO natural resources management staff, along with State and Federal natural resources staff, were recently advised by EPA that removing OU1 Site contaminated soils in the area of the OU1 groundwater plume was unnecessary due to the ongoing extraction and treatment of contaminated OU1 groundwater. LLBO staff then asked EPA how long they anticipated it will take to clean up the contamination in the OU1 groundwater. EPA responded that the current groundwater pump and treat system may have to operate forever. Treating Site contaminated groundwater forever is not acceptable to the LLBO. And, I do not believe the math necessary to calculate the required cost effectiveness of a forever cleanup option is possible. In contrast, removing Site contaminated soils that leach contaminants to the groundwater, including soils in the groundwater plume area, is a cleanup option that can be completed and evaluated for cost effectiveness.

EPA's current approach to cleaning up the St. Regis Superfund Site is failing to ensure that the release of Site contaminants does not occur. And, EPA's current Site cleanup approach is inconsistent with cleanup requirements of both Tribal and Federal law. Because of ongoing Site impacts to Reservation resources, and ongoing Site cleanup issues, I am requesting a formal Consultation between LLBO and the USEPA. I will also request that representatives of our Federal Legislative delegation attend the consultation meeting. Please respond at your earliest opportunity so we may begin the process of scheduling our formal Consultation meeting.

Sincerely,



Carri Jones
Tribal Chair

Leech Lake Band of Ojibwe

- c. LLBO Tribal Council
- LLBO Executive Director
- LLBO Legal
- LLDRM Director
- Senator Amy Klobuchar
- Senator Al Franken
- Congressman Rick Nolan