

EMARZ
EMCSF 20.10.4 V2

June 8, 2010

Greg Weigel
Federal On-Scene Coordinator
US EPA Region 10
Idaho Operations Office
1435 N. Orchard St.
Boise, Idaho 83706

Dear Mr. Wiegel:

This is to follow-up on discussions representatives of the Shoshone-Bannock Tribes have engaged in with EPA regarding FMC Unilateral Administrative Order, which becomes effective July 12, 2010. The Order requires FMC to conduct removal actions to abate an imminent and substantial endangerment to the public health or welfare or the environment that may be presented by the actual or threatened release of hazardous substances at the FMC site.

FMC must develop an air monitoring plan to implement the order. The Air Monitoring Plan must provide for monitoring at the facility boundary for phosphine releases from the Site that ensures protection of human health and the environment at all times. The Air Monitoring Plan must also describe a program for periodic monitoring of the RCRA ponds for releases of phosphine to air, which includes monitoring of the cap surface, cap perimeter and around any cap appurtenances where phosphine could accumulate or that could provide a preferential pathway for phosphine release from under the cap, such as around TMP enclosures, ET cap drainage lift stations, LCDRS manholes and instrument panel enclosures.

EPA proposes implementation of the 1998 RCRA Pond Management Plan (PMP) and a February 2004 subsequent revision, to satisfy fence line monitoring requirements. The Shoshone-Bannock Tribes have concerns with this approach. The fence line monitoring program as described in the PMP was designed in conjunction with continuous FTIR air monitoring at the ponds. The ponds were open at the time and while it may be thought that phosphine concentrations would have been higher while the ponds were open and operating, that is not the case. Phosphine levels measured today are much higher. We believe this scenario lends to greater potential for phosphine to be entering the environment via subsurface soils and potential for phosphine to collect in low lying areas and move off-site. We continue to believe fence line monitoring every 4 hours is not conservative enough to ensure protection of human health and the environment at all times.

We request EPA to tighten up the requirements for fence line monitoring.

GAS EXTRACTION

USEPA SF



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The UAO's primary objective of the removal action is to remove and treat phosphine gas from under the cap at Ponds 8E, 15S, 17 and control releases and the threat of release to the surrounding air, and to conduct monitoring to evaluate performance and ensure protection of human health and the environment.

EPA proposes a compliance point at the perimeter piping system requiring phosphine concentrations not exceed 10% of the Lower Explosive Limit or 2000ppm. This deviates from requirements of the Pond 16S UAO order, which requires compliance of 10% of the LEL at the Temperature Monitoring Ports (TMP). As you know, the TMPs are the locations where some of the highest concentrations of phosphine have been detected and warrant extraction.

The Tribes request EPA clarify the Statement of Work which is an attachment to the order, to require gas extraction at the TMP's, the perimeter piping and other locations EPA may deem necessary and require compliance with 10% of the LEL at these locations. The proposed clarification provides flexibility EPA may need in the future.

Finally, in order to comply with the objective of the removal action, to conduct monitoring to ensure protection of human health and the environment we request a clarification to ensure FMC monitor for other toxic gases including hydrogen cyanide and hydrogen sulfide.

Sincerely,

Kelly Wright
EWMP

cc: FHBC
Land Use Policy Commission
Tribal Attorney Office
Arnold Appeney, Land Use Department
R. Turner, Air Quality
Susan Hanson, Contractor Environmental Waste Program