Bradley Angel
<bradley@greenaction.org>
06/09/2006 04:57 PM

To Bob Fitzgerald/R9/USEPA/US@EPA

cc Clancy Tenley/R9/USEPA/US@EPA, 'Gila River Alliance for a Clean Environment' <contaminatedinaz@yahoo.com>, davidharper_747@hotmail.com, Enrique

bcc

Subject RE: Greenaction Objection and Comments on Proposed Area of Potential Effects for US Filter Westates

Thanks for your quick response to our objection and comments. We appreciate the fact that EPA will have further opportunities for public comment on this issue, but we still believe the notice was totally deficient and (probably unintentionally) misleading due to the lack of any substantive information in the notice upon which one could provide comments.

We request copies of whatever information was used to base this proposed area of potential effects on.

We also believe that Mr. Tsosie's comments seem to contradict the findings of his predecessor, and we understand this matter is currently being discussed in internal tribal processes.

We look forward to receiving the information regarding this proposed area, and look forward to submitting comments on this in the upcoming public comment period.

-----Original Message-----
From: Fitzgerald.Bob@epamail.epa.gov [mailto:Fitzgerald.Bob@epamail.epa.gov]

Sent: Friday, June 09, 2006 4:41 PM
To: Bradley Angel
Cc: Tenley.Clancy@epamail.epa.gov; 'Gila River Alliance for a Clean Environment'; davidharper_747@hotmail.com; Manzanilla.Enrique@epamail.epa.gov; ien@igc.org; Scheuermann.Karen@epamail.epa.gov; Lee.Lily@epamail.epa.gov; Armann.Steve@epamail.epa.gov; Wilson.Wenona@epamail.epa.gov; Kabei.Arlene@epamail.epa.gov; Scott.Jeff@epamail.epa.gov
Subject: Re: Greenaction Objection and Comments on Proposed Area of Potential Effects for US Filter Westates

Good afternoon, Bradley.

Thank you for your comments on the public notice for the proposed Area of Potential Effects for US Filter Westates.

Please note that this is a proposed Area of Potential Effects; it has not been finalized. This public notice provides the public an opportunity to comment on the new and smaller Area of Potential Effects. We've made additional information, including a detailed map, available to the public at the two public repositories in Parker. We'll also send this information to anyone who may request it. We hope to hear specific concerns and recommendations from the public, and will take all comments into consideration before making a final decision.

In addition, we will have at least two more public notices and comment periods on the next steps in the National Historic Preservation Act

(NHPA) process, including the determination of the Area of Potential Effects and a request for information about historic properties.

The 1-mile radius Area of Potential Effects was recommended and requested by Dr. Michael Tsosie, Tribal Museum Director, who is the designated representative of the Tribal government for the NHPA process. In a letter to EPA Region 9, Dr. Tsosie wrote, "A review of our files and records, as well as other sources, indicates that there is no justification for such an extensive area. In addition, after consultation with the tribal EPO Director, Diana DeLeon, I am recommending and requesting that the area of APE be limited to only a one mile radius surrounding the current Westates facility."

Please also note that the NHPA process addresses possible effects from Westates on historic properties only, not possible effects from Westates on health or other aspects of the surrounding community. Therefore, the proposed Area of Potential Effects is relevant only to historic properties. To address health concerns, EPA has required Westates to prepare a risk assessment, which will estimate health and ecological effects from Westates at a distance of up to 20 miles.

We're interested in hearing comments at any time during the permit process on all aspects of Westates' operations and how they may affect the nearby community. In addition to the two public notices I mentioned above for the NHPA process, we'll have at least two additional public notices (and comment periods) regarding other aspects of the Westates permit decision, including possible health effects from Westates.

Thanks again for your comments. We'll take them into consideration as part of the public process. Please contact me at (415) 972-3173 if you'd like to discuss your concerns further, or we can discuss them during our upcoming meeting on June 28.

Bob Fitzgerald, Manager
RCRA Facilities Management Office
415-972-3173

Bradley Angel
<bradley@greenac
tion.org>

06/08/2006 10:51
AM

To
Karen
Scheuermann/R9/USEPA/US@EPA,
Wenona Wilson/R9/USEPA/US@EPA,
Enrique
Manzanilla/R9/USEPA/US@EPA, Bob
Fitzgerald/R9/USEPA/US@EPA, Steve
Armann/R9/USEPA/US@EPA, Lily
Lee/R9/USEPA/US@EPA, Clancy
Tenley/R9/USEPA/US@EPA

cc
davidharper_747@hotmail.com,
'Gila River Alliance for a Clean
Environment'
<contaminatedinaz@yahoo.com>,
ien@igc.org

Subject
Greenaction Objection and
Comments on Proposed Area of

Potential Effects for US Filter
Westates

To: US EPA
From: Bradley Angel, Greenaction for Health and Environmental Justice

I have just received your Public Notice of the Proposed Area of Potential Effects for the US Filter Westates hazardous waste facility on the Colorado River Indian Tribes reservation. Greenaction submits these comments at the request of and on behalf of our constituents from the Colorado River Indian Tribes.

We believe that your notice is totally defective and misleading, and violates the public notice and public participation requirements that EPA should follow. We also believe this notice - and the small Proposed Area of Potential Effects - is a violation of federal trust responsibility to Native Nations, and a violation of your environmental justice and civil rights mandates.

The "Public Notice" is defective for several reasons:

1. The notice is completely vague and defective as it fails to give any necessary information whatsoever - ZERO INFORMATION - and is shockingly lacking in that regard. There is zero information about what is inside the one mile radius, and what is adjacent to that radius. How can anyone comment without that information?
2. The map is also ridiculously inadequate - and totally misleading. There is NOTHING within the circle created by EPA except a dot for the facility. Where are the homes? Where are the roads? Where are the people? Where are the offices and buildings next to Westates? Where are the agricultural fields? Where is the sacred mountain that was identified by Elders and traditional people and brought to your attention years ago? The answer is that these important issues were TOTALLY OMITTED in your Public Notice text and map. What are we supposed to comment on?!

The Proposed Area is defective as the decision-making process conducted by EPA lacked transparency and lacked adequate public input and participation.

We request the following:

1. The Public Notice should be rescinded for the above reasons,
2. The proposed Area of Potential Effects should be rescinded for the above reasons,
3. The EPA should provide information and facts about your proposed decision on the Area of Potential Effects in order to provide a legitimate and fact-based opportunity for public comment,
4. The EPA should have a new public comment period and public hearing on this issue,
5. The EPA should comply with environmental justice, trust responsibility and public participation mandates by giving information, not just conclusions.

The fact that the EPA continues to make decisions like this without facts being presented, with the concerns of tribal elders and cultural/traditional people being ignored, and without transparent public processes, is truly sad as this so-called permit process continues to drag on year after year, all while Westates is allowed to pollute the air of the Colorado River Indian Tribes and the surrounding area without proper permits. This injustice needs to stop.