



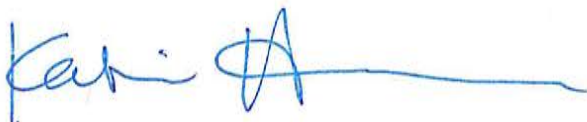
analysis raises questions with the analysis that may lead to disputes which we would like to avoid. We request that EPA require BP-AR to incorporate the NRDP data into the analysis for BPSOU where appropriate. We suggest a meeting between NRDP, EPA, BP-AR, and DEQ to discuss this further if there are any questions in utilizing this data in BPSOU analysis/designs or WSSOU investigations or risk assessments.

As you know, the NCP states that the "lead agency shall seek to coordinate necessary assessments, evaluations, investigations, and planning" with the trustees. 40 C.F.R. § 300.430. Also, EPA "shall make available to the trustees of affected natural resources information and documentation that can assist the trustees in the determination of actual or potential natural resource injuries." 40 C.F.R. §300.160.

Accordingly, we are writing to request that EPA invite NRDP to all meetings related to the BPSOU design documents and groundwater remedy, including the groundwater/surface water interactions in the creeks, and all meetings related to the West Side Soils RI/FS, risk assessments, water quality monitoring, and other response actions. This has not been occurring. We also request that EPA provide NRDP with all CERCLA documents with a reasonable time to comment upon the documents before finalizing them. Providing DEQ documents, as has been occurring for the past year, does not meet EPA's obligations to the state Trustee and it would be simpler to add NRDP directly to the distribution list. In furtherance of this request, we ask that we be provided the documents to review at the same time that DEQ receives them for review.

We are hopeful that the requests in this letter further cooperation between NRDP and EPA. We look forward to a response from EPA and working together with EPA.

Regards,

A handwritten signature in blue ink, appearing to read 'Katherine Hausrath', followed by a long horizontal line extending to the right.

Katherine Hausrath  
Assistant Attorney General  
Montana Natural Resource Damage Program

cc:

Jonathon Morgan, DEQ  
Wil George, DEQ  
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