

## Char Naylor

Thanks for your response Kerry and thank you for talking to management about this issue. Based on the significance of the contamination and the risks posed to our properties, membership and treaty resources, a site-specific risk assessment should be completed that would then inform the final remedy that includes toxicity evaluations on resident benthic organisms, salmon and other aquatic resources. Given the ongoing risks to the Tribe associated with the contamination, we believe the proposed remedy of containment of the sheet pile wall and some mass reduction of the plume falls short of what is needed to remedy the disproportionate risks to the tribe. The UW study was a step in the right direction as to evaluating cleanup methods and technologies, particularly in addressing the pH plume.

Is there a time we can talk this afternoon that works for you? As always Kerry, thank you for helping us to protect our membership and resources. Take Care, Char

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From: Graber, Kerry (ECY) [mailto:KGRA461@ECY.WA.GOV]  
Sent: Tuesday, April 25, 2017 10:43 AM  
To: Char Naylor; Leja, Stan (ECY)  
Cc: Russ Ladley; Lisa Anderson; Sam Stiltner; joel@ketawaters.com; Edmonson, Ava (ECY)  
Subject: RE: Formal Request of Extension on Comment Period of the Occidental FS by the Puyallup Tribe

Hi Char,  
I wanted you to know I received your request, and I will be talking to management here at Ecology today.

In finalizing the RI Report Ecology specifically did not approve of Oxy's "Streamlined Risk Assessment" report or the "Exposure Pathway" report submitted by them as part of finalizing the RI – these Oxy documents remain draft and are not approved for use. Our concerns about risk were more fully examined by Ridolfi Environmental on our behalf as our contractor. The sediment/porewater report also updated our understanding of what was going on with the plume and sediments, an important data gap we needed to fill.

Ecology will have to address the protectiveness, exposure pathways, and risk, in the to-be-developed draft Cleanup Action Plan based on the set of technologies selected for the remedy. There will be time to engage with us in our evaluation of risk as well as the assembly of a final remedy – you are an important partner in working on this project and it is my goal to fully explore your concerns as well as have a dialog.

In my humble opinion what is important for us to know from you is what you think about Oxy's proposed remedy as well as the other technologies presented in the FS report. If you do not believe

any of them adequately address risk or the resources, including tribal-owned lands, then that is an important concern to lodge with us so we can consider it in the next phase of the project. A detailed analysis of why you are concerned, while helpful, is not necessary for you to submit the concern as an overarching issue. Ecology can then explore and dive deeper into the source of the concerns and could call upon you to provide the details of your analysis.

I acknowledge we have more work to do regarding risk, both risk evaluation, and risk communication, in the context of the next phase of decision-making. I know my manager and program manager will carefully consider your request, and I will get back to you soon. Thanks, Kerry

From: Char Naylor [mailto:char.naylor@puyalluptribe.com]  
Sent: Tuesday, April 25, 2017 9:52 AM  
To: Graber, Kerry (ECY) ; Leja, Stan (ECY)  
Cc: Russ Ladley ; Lisa Anderson ; Stiltner, Sam (non-ATG)  
Subject: Formal Request of Extension on Comment Period of the Occidental FS by the Puyallup Tribe  
Importance: High

Kerry:

I have been spending hours on wading through the model plates, which as you know there are hundreds showing plan views and cross-sections that must be manipulated in order to view the contamination on our properties. The other issues that have been making this review especially onerous is the available information that I was particularly interested in – risk assessment data – both for human health and ecological receptors – is not available in the FS which is the key document available for public review, but in the appendices of the responsiveness summary.

Because of the substantial contamination I am finding on our property, Tribal Council needs to be briefed by both our team and your team, before formal comments can be submitted. For these reasons, we are asking for a 1) formal extension under our land claims settlement so that the Tribe can fully protect its properties, membership and treaty resources; and 2) formal government-to-government consultation with you regarding the contamination and cleanup process associated with the Occidental site.

Please reply as soon as you can so we can move forward. I am sorry we have not been able to connect via telephone but the time is getting short. We would like to schedule a meeting with you and your team and Tribal Council as soon as possible. Thanks Kerry, Char

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