



STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION
901 South Stewart Street
Carson City, NV 89701

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
REGION IX
901 South Stewart Street
Carson City, NV 89701



February 27, 2013

RE: Town of Eureka Historic Smelters – Continued Evaluation of Lead and Arsenic in Soil

Dear Eureka Residents and Property Owners:

As part of our continued evaluation of the potential health impacts associated with lead and arsenic in soil in Eureka, the Nevada Division of Environmental Protection (NDEP) and the Environmental Protection Agency (EPA) are requesting permission to access your property for a final sampling event this spring. If you provided access to your property for the October 2012 sampling event, we appreciate your assistance, but you will not need to provide access again. Localized high concentrations of lead and arsenic in town soil may pose a risk of exposure and a potential health concern, so blood lead testing and taking proper behavioral precautions are encouraged.

Because high concentrations of lead and arsenic in the soil still pose a potential public health concern, property owners are also encouraged to have their soil tested. By having your soil tested, you will know for certain whether or not your property has been affected. If high concentrations of lead and arsenic are found to present an unacceptable risk of exposure, there will be an opportunity to have your property evaluated for cleanup. If you would like to have your property sampled, please sign the attached access agreement and return it in the prepaid envelope by March 20, 2013. The agreement will be effective from April 1, 2013 through May 31, 2013 and only covers sampling activities to be conducted during that timeframe.

Sample collection will take about one hour and you will not need to be present. Although it is not necessary to be present, property owners may make arrangements to observe sample collection. Small scoops of soil will be taken from three different depths to a total depth of 12 inches. Only hand tools will be used to collect samples and all holes will be backfilled. Results of sampling will be mailed to you approximately six to eight weeks after all sampling is completed.

Under EPA's "Policy Towards Owners of Residential Property at Superfund Sites," EPA will not require residential property owners to clean up their property or pay to have it cleaned up unless the residential property owner's action led to the release or threatened release of hazardous substances at the site or the residential property owner fails to cooperate with EPA's response actions. Based on the information that is currently available, neither EPA nor NDEP is aware of any instances where a current residential property owner took actions that led to a release or threatened release since smelter waste was originally deposited in the late 1800s. However, if you still have questions or concerns about a specific property, we encourage you to call us.

As always, if you have any questions regarding soil sampling or cleanup, please contact Jeff Collins at 775-687-9381, Tom Dunkelman at 775-721-4712 or Greg Lovato at 775-687-9373 or by email at jrcollins@ndep.nv.gov, dunkelman.tom@epa.gov or glovato@ndep.nv.gov.

Sincerely,



Greg Lovato, P.E.
Chief, Bureau of Corrective Actions
NDEP



Tom Dunkelman
On-Scene Coordinator
US EPA Region 9



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REGION IX
901 South Stewart St., Suite 4001
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ACCESS AGREEMENT

I _____, am the owner of record of the following described property:
(please print)

Parcel located at: _____ in the Town of Eureka.
(address)

(If access is being granted for additional properties, please list below.)

I, the owner of the property(ies) listed above, hereby consent to officers, employees, authorized representatives, contractors and agents of the United States Environmental Protection Agency (EPA) entering and having access to my property for the following purposes:

[X] The collection of surface and subsurface soil samples on my property.

The agreement is effective for the period April 1, 2013 through May 31, 2013 and covers EPA sampling activities to be conducted during that time-frame. In order to assure your property will be sampled during this time-frame, please submit a signed access agreement to be received by EPA no later than March 15, 2013. EPA expects that sampling your property will take no more than one hour. EPA anticipates conducting sampling beginning the week of April 8, 2013.

I understand that these actions by EPA are undertaken pursuant to its responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (Superfund), as amended, 42 U.S.C. Section 9601 et. seq. and will be conducted at no cost to me. This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind. I am authorized to make this grant of license.

The full text of this document, as well as several other related documents, can be found at the following web page:
www.epaossc.org/eurekasmelter

I understand that questions regarding the sampling can be addressed by calling Tom Dunkelman, EPA On-Scene Coordinator at (775) 721-4712. I also understand that should I have any legal questions concerning the actions taken on my property by EPA that I may contact Larry Bradfish, EPA Assistant Regional Counsel, at (415) 972-3934.

Please sign this access form in the space provided below and return to EPA at the following address: Tom Dunkelman, 901 South Stewart Street, Carson City, NV 89701. You can also fax the form to (775) 687-8335.

Property Owner Contact Name (please print)

Contact Phone Number

Property Owner Mailing Address

City/State/Zip Code

Property Owner Signature

Date