



STATE OF NEVADA  
Department of Conservation & Natural Resources  
DIVISION OF ENVIRONMENTAL PROTECTION  
901 S. Stewart St.  
Carson City, NV 89701

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



September 24, 2012

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

Dear Eureka Residents and Property Owners:

As part of our evaluation of the potential health impacts of lead and arsenic in soil in Eureka, the Nevada Division of Environmental Protection (NDEP), the Nevada State Health Division (NSHD) and the Environmental Protection Agency (EPA) held a public meeting on July 23, 2012. On July 24, the NSHD provided blood lead testing. At that event, 158 Eureka County residents were tested. No one tested, including ten children, had confirmed lead levels above the level considered high by the current state standard of 10 micrograms per deciliter. Although no blood lead levels above the current state guideline were observed in those tested in July, it is important to emphasize that in May 2012, the federal guidelines to control lead exposure recommended lowering the blood lead level to 5 micrograms per deciliter.

The Centers for Disease Control (CDC) universally recommends every American child under the age of 6 years receive routine blood lead screening. The NSHD also encourages healthcare providers in Eureka and statewide to strictly comply with the CDC screening guidelines. Free blood lead testing will be offered at the Eureka Medical Clinic on a drop-in basis until November 30, 2012.

Localized high concentrations of lead and arsenic in town soil may still pose the 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 cleaned up. If you would like to have your property sampled, please sign the attached access agreement and return it in the prepaid envelope by October 5, 2012.

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. Once all the sample results have been evaluated, NDEP and EPA will schedule another community meeting to discuss the results and possible cleanup options.

During and after the public meeting in July, Eureka residents expressed concerns about the length of time the consent would be granted. In response to these concerns, NDEP and EPA want to make it clear that consent will only be needed for approximately one hour of sampling during the period from October 15 to November 15, 2012. The attached consent form has been modified to reflect this one month sampling period and the amount of time needed for sampling.

Several property owners also expressed concern about their potential liability in the event that access for testing is granted and contamination is found. 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.

NDEP, NSHD, and EPA will be holding a second community meeting in Eureka on Monday, October 22, 2012, from 6-8 pm at the Opera House to explain the blood lead level test results and the soil testing program in more detail. We also plan to talk with you about the range of lead and arsenic cleanup activities that have occurred at other smelter sites in the Western U.S. so that you will have a better sense of what may be involved if the soil testing shows high levels of contamination and you decide that you want to have your property cleaned up.

As always, if you have any questions regarding soil sampling or cleanup, please contact Greg Lovato at 775-687-9373, Jeff Collins at 775-687-9381, or Tom Dunkelman at 775-721-4712 or by email [glovato@ndep.nv.gov](mailto:glovato@ndep.nv.gov), [jrcollins@ndep.nv.gov](mailto:jrcollins@ndep.nv.gov) or [dunkelman.tom@epa.gov](mailto:dunkelman.tom@epa.gov). If you have questions about blood lead testing or the health effects of lead and arsenic, please contact Martha Framsted at 775-684-4014.

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 October 15, 2012 through November 15, 2012 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 October 5, 2012. EPA expects that sampling your property will take no more than one hour. EPA anticipates conducting sampling beginning the week of October 15, 2012.

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 S. Stewart St., 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