

July 6, 2000

To: Assistant Attorney General
Environmental and Natural Resources Division

From: Melissa M. Strait, Associate Professor of Chemistry, Alma College

Re: Comments regarding the TPI Consent Decree

I would like to enter the following questions and comments into the record in reference to the Consent Decree in the case of United States versus TPI Petroleum, et al. (DJ 90-5-2-1-2199).

1. As a chemist I was distressed with the multiple references in the original complaint and in the Consent Decree to chemicals as a code name (e. .g, D018). It is impossible for me to readily evaluate what is being discussed as I have no idea what things like D018 are. Could a glossary be appended that defines each chemical referred to as a code with its appropriate chemical name.
2. I was also distressed to realize as I read further into the text that the \$9 million could be spent on all of the preliminary aspects of the project and potentially no cleanup could be done because the cleanup is defined in terms of dollars and not environmental benefit. Although it states in Paragraph 14 on page 23 that "the objective of the Sediment Remediation Project shall be to remediate and restore selected areas of Horse Creek and/or the Pine River **consistent with the goal of maximizing positive environmental impacts**", the sentence concludes with "**within the fixed dollar amount allocated to the Project**". I would like some reassurance built into the decree that guarantees some cleanup occurs. It would be nice if there were caps on the amount that could be spent to do the preliminary work so sufficient money would remain to do cleanup.
3. There are several places in the text that refer to identifying, characterizing, determining impact and cleaning up "to the appropriate extent given the fixed dollar limitation". What is going to happen if the nature and extent of the contamination is greater than seems to be expected? The study area defined in Exhibit 9 is not very well characterized. How confident is anyone with defining this area of the Pine River as the most critical? How was this determined? Is this community to be left with a legacy of petroleum contamination just because the money did not go far enough? Just because the study area was limited because of money?

4. On page 20 in paragraph 29a(ii) the text refers to assessing "each alternative to determine its short and long-term beneficial and adverse effects on the environment." This is in reference to the Sediment Remediation Alternatives. Would this include the adverse effects if not all the contamination is removed because the money gets in the way?
5. Maybe because I am a chemist, I don't understand the language, but could I please have explained what is meant by the contents of paragraph 84 on page 46?
"By signing this Consent Decree, TPI certifies that it is not required, and has no liability ... to perform or develop the SEPs identified in Sections VI and VII of this Decree."
6. And finally, a few minor questions about definitions in the text.
 - a. In paragraph 26 on page 17, the paragraph starts with "Weather permitting..." Specifically what kind of weather would be required to call a hold on the project? I could understand a major rain or snow storm, but who will evaluate lesser weather problems that could be used as an excuse, but not really prevent work being done.
 - b. In paragraph 27 it is stated that the Sediment Characterization Report shall include an estimate of the volume of sediment to be removed in each **segment** of Horse Creek and/or the Pine River. I could not find anywhere that defined what a "segment" constituted. Could this be defined or mapped out.

Thank you for your attention to these points. We are anxiously awaiting the final outcome of this project. I hope our questions and comments can facilitate the rapid resolution of this problem.