



Palmer
Hough/DC/USEPA/US
04/17/2009 09:47 PM

To Rebecca Fox/R4/USEPA/US@EPA
cc
bcc
Subject Re: Site visit to PCS Phosphate - Aurora, NC

Call if you get a chance this weekend.

Palmer

Sent from my BlackBerry Wireless Device
Palmer F. Hough
US Environmental Protection Agency
Wetlands Division
Room 7231, Mail Code 4502T
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 202-566-1374
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E-mail: hough.palmer@epa.gov

Street/Courier Address
USEPA
Palmer Hough
EPA West -- Room 7231L
1301 Constitution Avenue, NW
Washington, DC 20460
Rebecca Fox

----- Original Message -----

From: Rebecca Fox
Sent: 04/17/2009 10:41 AM EDT
To: Palmer Hough
Subject: Re: Site visit to PCS Phosphate - Aurora, NC

Palmer,

When you get a chance, I would be very interested to hear your thoughts on today's meeting... thinking about you all... b

Becky Fox
Wetland Regulatory Section
USEPA
Phone: 828-497-3531
Email: fox.rebecca@epa.gov
Palmer Hough/DC/USEPA/US



Palmer
Hough/DC/USEPA/US
04/16/2009 01:28 PM

To RSmith@Pcsphosphate.com
cc Brian Frazer/DC/USEPA/US@EPA, Jim
Giattina/R4/USEPA/US@EPA, Rebecca
Fox/R4/USEPA/US@EPA
Subject Re: Site visit to PCS Phosphate - Aurora, NC

Ross:

Thanks for getting back to me. EPA will be sending representatives from its Regional and HQ offices to the 4/17 site visit organized by Army. However, there are additional EPA officials who would like to visit the site as recommended by yourself and others during our 3-24-09 meeting. Thus, we would also appreciate your hosting a site visit on 4/27 as well. Representatives from Army, Corps HQ, Wilmington District, and the other resource agencies are certainly welcome on the 4/27 visit. We had planned to extend such an invitation as soon as we received confirmation from you.

Thank you again and I look forward to seeing you on 4/17 and 4/27.

Thanks, Palmer

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RSmith

Mr. Hough: We have been advised by the Assist...

04/15/2009 05:07:11 AM

From: RSmith@Pcsphosphate.com
To: Palmer Hough/DC/USEPA/US@EPA
Cc: Rebecca Fox/R4/USEPA/US@EPA, Brian Frazer/DC/USEPA/US@EPA, Jim Giattina/R4/USEPA/US@EPA
Date: 04/15/2009 05:07 AM
Subject: Re: Site visit to PCS Phosphate - Aurora, NC

Mr. Hough:

We have been advised by the Assistant Secretary of the Army and the Corps that they intend to go forward with the on-site review on April 17, 2009. We hope that EPA will reconsider and participate in the review. PCS has run out of time and has begun scaling down its mining operations. Therefore, any delay is costly to our Company.

However, if EPA is unable to participate on the April 17th, then PCS will be available to meet on-site with the EPA on April 27, 2009. PCS will invite the Corps to attend such a meeting, but we do not know if the Corps

will attend.

Thanks.

Ross

Ross M. Smith
Manager, Environmental Affairs
PCS Phosphate Company, Inc.

Hough.Palmer@epamail.epa.gov

04/09/2009 11:04 AM

rsmith@pcsphosphate.com

To

Giattina.Jim@epamail.epa.gov,
Frazer.Brian@epamail.epa.gov,
Fox.Rebecca@epamail.epa.gov

CC

Site visit to PCS Phosphate -
Aurora, NC

Subject

Ross:

As I indicated in my voicemail message this morning, a number of officials at EPA including the Assistant Administrator for Water here at HQ and the Regional Administrator for EPA Region 4 would like to visit the PCS site. Such a site visit was recommended by PCS during our meeting on 3/24 and, in his email message to you and others on 3/27 (below), Jim Giattina asked if we could arrange such a site visit with you on 4/27.

4/27 is the earliest date that both the Assistant Administrator for Water and the Regional Administrator from Region 4 are available. Such a site visit would be very helpful in expediting EPA's ongoing review of the project. Please let me know if this is possible.

We understand that folks from the Army have organized a site visit on 4/17. Unfortunately, this date does not work for EPA officials and Army has indicated that it cannot reschedule its 4/17 site visit. Further, any other agency representatives (e.g., FWS and NMFS) who cannot make the Army's 4/17 meeting, would certainly be welcome at a site visit organized for EPA officials.

Thanks and I look forward to hearing from you.

-Palmer

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----- Forwarded by Palmer Hough/DC/USEPA/US on 04/09/2009 10:45 AM -----

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From: |
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| Jim Giattina/R4/USEPA/US
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To: |
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| ghouse@brooksperce.com
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Cc: |
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| Stan Meiburg/R4/USEPA/US@EPA, Tom Welborn/R4/USEPA/US@EPA, Brian
| Frazer/DC/USEPA/US@EPA, Jennifer Derby/R4/USEPA/US@EPA, Philip |
| Mancusi-Ungaro/R4/USEPA/US@EPA, Palmer Hough/DC/USEPA/US@EPA, Rebecca |
| Fox/R4/USEPA/US@EPA, Scott Gordon/R4/USEPA/US@EPA
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| Date: |
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|03/27/2009 07:49 PM
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|Follow-up to March 24 Meeting re PCS
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Ken, Tom W, Arthur, David, Ross, Jeff, Tom R, and George:,

We want to thank everyone again for participating in Tuesday's meeting. We found the discussions very productive. A number of action items were identified at the end of the meeting. I would like to capture that list, identify the lead for each action, and provide you with the status of actions which EPA/NMFS/FWS are responsible for. According to my notes, we identified the following four actions:

- 1) EPA in coordination with FWS and NMFS will provide GIS coverages identifying the proposed "EPA/FWS/NMFS" mining boundaries for the NCPC and Bonnerton tracts presented yesterday (the boundary for S33 continues to be the boundary certified by the State). We will forward this information to you on Monday 3/30.
- 2) FWS will provide language describing the reclamation provisions discussed on 3/24. We will forward this information to you on Monday 3/30.
- 3) NMFS will provide the language describing the monitoring provisions discussed on 3/24. We will forward this information to you on Monday 3/30.
- 4) Once it receives the GIS coverages, PCS will evaluate the economic viability of the EPA/FWS/NMFS alternative and share its results with the agencies.

In addition to expanded impact avoidance and improved reclamation and monitoring provisions, the EPA/FWS/NMFS alternative also includes measures to ensure that avoided aquatic resources are provided long-term protections from future mining with the appropriate binding real estate instrument. As discussed on 3/24, we suggest the use of conservation easements. As noted on 3/24, we are also open to discussion regarding compensatory mitigation credit for the protection of these avoided areas. We welcome your recommendations regarding the appropriate level of compensation credit for the preservation, enhancement, and/or restoration of avoided aquatic resources.

At the 3/24 meeting PCS requested that the agencies continue to pursue formal elevation of the Corps' proposed permit for the alternative known as "Modified Alternative L" that was certified by the State. Although not discussed on 3/24, we would like to organize a site visit for agency officials who would be involved in the review of this elevated permit decision. We would like to know your availability on April 27 and the morning of April 28.

Please let me know if I you have any changes to the action item list and indicate your availability for a site visit. Again thank you for participating in yesterday's meeting.

Thanks, Jim