



REGION 9

SAN FRANCISCO, CA 94105

Mayor John Hughes
2735 S Highway 69
Dewey, Arizona 86329
Mayor.Hughes@dhaz.gov

Re: Iron King Mine – Humboldt Smelter Superfund Site

Dear Mayor Hughes:

Thank you for our conversation this week. I appreciate you taking the time to talk with me about the public statement (the “Statement”) that the Town of Dewey-Humboldt (the “Town”) issued in connection with the Iron King Mine – Humboldt Smelter Superfund Site (the “Site”) on January 29, 2024.

We have worked diligently with our State partners to keep local elected officials and residents well informed of our efforts to address the Site. We have worked hard to maintain a collaborative partnership throughout our cleanup decision-making process and have appreciated the Town’s support of the Record of Decision (“ROD”) that selected the final plan for remediating the environmental contamination at the former Iron King Mine and Humboldt Smelter properties as well as nearby impacted residential and nonresidential land. Most recently, EPA and the Arizona Department of Environmental Quality (“ADEQ”) met with the Town’s environmental advisory team on November 2, 2023, and January 16, 2024, to discuss the planning and implementation of remediation moving forward, as well as certain items of importance to the Town. We are surprised and concerned with the abrupt release of the Statement which called into question the Town’s support of the residential cleanup.

In the Statement, the Town described a discussion between an EPA representative and a resident regarding elevated contaminant levels at her property and potential rezoning of her property. We regret if this discussion was the trigger of a misunderstanding of EPA’s intentions.

EPA does not intend request specific zoning to meet the response objectives for the Site cleanup. Because EPA does not have a direct role in zoning and has no ability to acquire property, EPA will frame its response actions based on the reasonably anticipated use of any property and without regard to ownership.

As I shared with you, EPA will be issuing a fact sheet regarding our upcoming outreach to property owners in connection with the planned sampling of residential properties near the Site. In close partnership with ADEQ, EPA has worked diligently to prepare for the residential cleanup contemplated under the ROD, including vigorous efforts to secure the necessary funding. We have previously conducted residential property cleanup on 47 properties. To effectively complete this final remediation of residential yards and protect the health of Town residents, we would like to continue to work collaboratively to obtain the full cooperation of locally elected officials. In the spirit of collaboration, we have sent your Counsel the access consent form that we intend to share with residents.

We would like to arrange an in-person meeting between EPA, ADEQ, and the Town leadership (including not only the town manager but yourself and perhaps a few members of the town council) to discuss how best to advance residential cleanup of the Site, including access to residential properties and appropriate sharing of information.

If you have any further questions, please contact Jeff Dhont, the EPA Remedial Project Manager for the Site, at (415) 972-3020 or dhont.jeff@epa.gov or David H. Kim, the EPA attorney for the Site, at (415) 972-3882 or kim.david@epa.gov.

Sincerely,

Michael Montgomery, Director
Superfund and Emergency Management Division

cc: Dan Field, Town of Dewey-Humboldt
James Hamula, Camelback Law Group
Karen Peters, ADEQ
William Sims, Town of Dewey-Humboldt
Rick Zeise, Office of Arizona Attorney General
Jeremiah Barron, Town of Dewey-Humboldt
Matthew Fenn, Town of Dewey-Humboldt
Amy Lance, Town of Dewey-Humboldt
Terry Nolan, Town of Dewey-Humboldt
Denise Rogers, Town of Dewey-Humboldt
Barry Thomas, Town of Dewey-Humboldt