

Allen to Horvath memorandum, April 14, 1994.

Notes on my Fox River Coalition memo of 14 Apr 94

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1. The tone of the WDNR has not changed with regards to NRDA and the FWS. I believe that the WDNR has decided to oppose the NRDA officially and in spirit (unofficially and behind the scenes). I believe that Ms. Sumi's presentation was inaccurate and misleading (whether intentional or unintentional) by implying that: a) FWS can not possibly tackle an NRDA because of no funding, no staff, no expertise (ok, there might be some truth in that); b) the FWS has no intention to do anything further - they just want let into the FRC; c) FWS is being deliberately evasive and unpredictable; d) WDNR can handle the FWS problem. It is unrealistic, in my opinion, to count on a fair and impartial review of NRDA by the WDNR at this time. They will continue to view NRDA as a "personal" attack of their programs, rather than an opportunity to bring useful authorities to bear. In this light, I think that the RO should be prepared for continued disbelief and outrage from the WDNR as we complete each step of the NRDA.

2. An MOU with the FRC, particularly one which defines NRDA trust responsibilities, should be rejected immediately and conclusively. An MOU with WDNR should be conditioned on co-trusteeship, period. The WDNR and the FRC have engaged in a plan to bind "NRDA" to FRC objectives. As before, I believe the primary objective of FRC PRPs is to prevent/lessen remediation funding by PRPs. NRDA already provides for the coordination espoused by the FRC.

3. FRC dissolution will continue to be threatened and will continue to be a bluff, in my opinion. At some point the official FRC may well dissolve, but the PRPs (those named now, and those dragged in later) will continue to demand participation in our process. Prepare for the bad press, and don't sweat it.

4. Our inability to provide any official position will continue to be used against us by the FRC and the WDNR. Therefore, we must finalize the PAS and notices ASAP. There is no benefit to the FWS, nor to the resource, in continued cat-and mouse questions and answers. WDNR/FRC position is clear. FWS position is clear. Impasse is clear. Act or fold.

5. Summary of meeting with EPA (Jim Filippini and Gary Kohlep): Jim thinks we're nuts if we delay PAS and notices. Jim thinks Bryson should officially endorse NRDA; Gary says that Bryson's interest and support are real (including financial) but that he is likely to remain cautious about official endorsement (I concur with Gary's view). EPA discussed enforcement alternatives for Fox River 1 year ago: concluded that NRDA best hope...