

CASO Atlas



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street

San Francisco, Ca. 94105

February 29, 1988

Mr. Ed Hastey
State Director
Bureau of Land Management
2800 Cottage Way, Room E-2841
Sacramento, CA 95825

Re: Atlas Asbestos Mine Site

Dear Mr. Hastey:

Since our meeting with you and your staff on August 30, 1987 and in subsequent correspondence and conversations, coordination between the Bureau of Land Management and the U.S. Environmental Protection Agency on the Atlas Asbestos Superfund site has improved. We look forward to continued cooperation in the next few months while the Atlas Remedial Investigation (RI) and Feasibility Study (FS) are completed.

I am pleased that the Bureau of Land Management accepts some of its responsibilities for the Atlas project and plans to take additional measures to reduce soil erosion and restrict access in the region. Notwithstanding the importance of a formal agreement between the Bureau and EPA regarding our respective responsibilities at this NPL site, I do not feel it is appropriate to concur on the November 27th letter prior to resolution of the Bureau of Land Management's status as a Potentially Responsible Party by the Department of Justice. However, I have enclosed EPA's response to this and other issues addressed in your letter.

I want to personally express my appreciation for your attention to the Atlas project and understand your concerns. If you have any additional questions, please contact me at (415)974-8153 or FTS 454-8153. Jennifer Decker, the Remedial Project Manager, may be contacted at (415)974-8161 or FTS 454-8161 and is available to assist you or your staff at any time.

Sincerely,

John C. Wise
Deputy Regional Administrator

Enclosure

cc: David Howell, Hollister Area Manager, BLM
Al Jarvis, Office of the Solicitor, DOI
B.R. Hyde, Hazardous Materials and Program Management
BLM, Washington D.C.

Comments on the Bureau of Land Management Letter to EPA dated November 27, 1987 for the Atlas Asbestos Mine Superfund Site

- 1) EPA is pleased that the BLM has designated a Project Manager to be the primary contact between the BLM State Office and EPA Region IX. Until the BLM State Office or EPA notifies the other of any personnel changes, EPA will consider David Howell as the BLM Project Manager and Jennifer Decker as the EPA Project Manager.
- 2) As we have discussed with your staff, we encourage BLM to review the FS during the internal EPA and agency review period, before the document is sent out for public comment. It is EPA's understanding that David Howell has arranged for staff members in Hollister, Bakersfield and Denver to review EPA's reports. EPA will send one copy of all reports to David Howell and two copies of both the RI and FS to David, as he has requested of EPA. BLM's comments should be sent directly to Jennifer Decker, the Remedial Project Manager, within the timeframe specified in each cover letter in order to be considered in the final version of each document.
- 3) As EPA is the lead agency for the Atlas Superfund site investigation, EPA has already prepared a Community Relations Plan. This Plan will be available for BLM's review and public comment during March, 1988. EPA is pleased that BLM will assign a public affairs specialist to be involved with EPA's staff in working with the public and attending the future RI/FS public meetings, whenever feasible.
- 4) EPA appreciates BLM's offer to assist in investigating the identities of other Potentially Responsible Parties (PRP's) associated with the Atlas Mine. It is EPA's understanding that EPA's contractors have reviewed all the BLM files pertaining to the Atlas site and other mines; should BLM receive additional information relating to the mines, please notify the EPA Project Manager.

As BLM is aware, the Atlas PRP search will be concluded in March, 1988. Notice letters are currently being prepared to be sent to all other PRP's that have been identified so that they are brought into the Superfund process before remediation begins. BLM's staff will be informed as to progress of the PRP search and related activities through the future "Atlas and Coalinga Updates", prepared by EPA.

- 5) EPA is pleased by BLM's plans to address access restrictions to the Atlas site and appreciates BLM's attention to this serious matter. Additionally, EPA is concerned with ultimately reducing access to the other mines and tailings piles in the area as well.

The proposed measures for the Atlas site as detailed in the Appendix to BLM's November 27th letter are comprehensive. The EPA has examples of design specifications for signs posted at other Superfund sites and for the signs to be posted at the Coalinga site in the near future. The EPA Project Manager is available to discuss these details with the BLM staff at any time.

- 6) EPA agrees that any decisions regarding remedial actions at the Atlas site should take into account the regional setting of these sites and other sources of asbestos in the watersheds and airsheds of concern. EPA will continue to inform BLM of EPA's progress on the Preliminary Assessment of the King City Asbestos Company and work on all other mine sites in the region. EPA's staff has notified BLM of EPA's intentions to complete a regional review of other mine sites that may contribute to the airborne asbestos problem in the City of Coalinga and Huron. EPA anticipates that this regional study will be completed in late fall of 1988, at the same time the Record of Decision (ROD) is ready for public comment, pending the availability of funding. BLM's staff will be apprised of the status of the regional study and schedule delays in the future "Atlas and Coalinga Updates".

EPA, like BLM, is also concerned with downstream management actions of other governmental agencies. The EPA staff is working with the Bureau of Reclamation (BOR) and the California Department of Water Resources (DWR) to reduce duplication of effort and cost and to reach remedial decisions together that adequately address the asbestos problem. EPA, DWR and BOR will continue to work closely on this project in the future.

EPA currently works with the California Department of Health Services, the Air Resources Board, Fresno County Air Pollution Control District, Fresno County Health Department and the Regional Water Quality Control Board. These agencies are regularly informed of EPA's actions and are encouraged to comment on all EPA plans and reports.

7) As stated in BLM's November 27, 1987 letter, EPA agrees that it is essential to have an agreement between the two agencies. EPA views BLM's proposal as the first step towards reaching an agreement, but it is not an Interagency Agreement as mandated in §120 of SARA. If BLM opts to complete the RI/FS as a Federal Agency, then a §120 agreement is necessary. If BLM prefers to assume the role of a PRP without assuming the responsibility for completion of the RI/FS, then EPA will complete the on-going investigation with only limited participation by BLM as detailed above. As stated in BLM's letter, BLM is not prepared to enter into a more specific agreement at this time and prefers to wait to accept liability or commit funds until the Department of Justice and DOI's Office of the Solicitor have resolved BLM's legal concerns. Until DOJ has made a decision regarding BLM's status as a PRP, EPA prefers to continue as the lead agency at the Atlas site and will complete the RI/FS without a formal agreement. If, in the near future, BLM is ready to enter into a formal agreement that commits funds and assumes responsibility for conducting the Remedial Action, please advise the EPA staff. EPA is ready to enter negotiations at any time.

Negotiations for a formal §120 agreement should begin no later than July, 1988 in order to have a clear understanding of BLM and EPA's roles during the Remedial Design and Remedial Action phases. To that end, EPA requests that BLM continue to encourage DOI and DOJ to reach a decision as to BLM's status as a PRP as soon as possible. EPA's staff is available to assist BLM or DOJ as necessary.

Until a decision regarding liability is made by DOJ, EPA will continue to work with BLM as detailed in this letter. EPA's staff looks forward to working with BLM on this project and is encouraged by the increased participation by BLM and by the progress made toward resolving the issue of BLM's responsibility at the Atlas Superfund site.

Message 356-196

Subj: LETTER TO MR. JOHN WISE EPA

NOTE TO WASHINGTON OPERATOR: PLEASE HANDCARRY THE ATTACHED MEMO TO THE APPROPRIATE PERSONNEL (W.O. 509) IMMEDIATELY UPON RECEIPT OF THIS MESSAGE.

MEMORANDUM

TO : B.R. HYDE, JR., W.O. 509

FROM : DAVE HOWELL, AREA MANAGER HOLLISTER

SUBJECT: LETTER TO MR. JOHN WISE, DEPUTY REGIONAL ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY, REGION IV

Attached is a letter addressed to Mr. John Wise . Please do not hesitate to contact Mr. David E. Howell, Hollister Area Manager at (408) 637-8183 with any questions or comments that you may have regarding this matter.

Mr. John Wise
Deputy Regional Administrator
Environmental Protection Agency, Region IX
215 Fremont Street
San Francisco, California 94105

Dear Mr. Wise:

I received your February 29, 1988 response to my November 27, 1987 interagency agreement proposal. I was pleased that we were in agreement on a majority of the points of that agreement proposal. However, I was disappointed to learn that you could not concur with it, or to accept our offer to fully participate in the development of the feasibility study. As you are aware our headquarters office has been working with the Interior Department's Solicitor and the Department of Justice (DOJ) for a legal review of BLM's role and/or responsibility regarding the Atlas facility. At this point in time we have been unable to obtain a timeframe from DOJ for an opinion. As a consequence, the Bureau will not be entering negotiations for a formal 120 agreement with EPA. We do however wish to be fully involved as a participant as outlined in your February letter during the preparation of the Remedial Investigation and Feasibility Study (RI/FS). Additionally, we will continue to implement management actions in the Atlas area per our developed land use plans.

I would like to request that EPA afford BLM the opportunity to review your Potentially Responsible Parties (PRPs) list. Our staffs have cooperated in the development of this product. It is felt that BLM's review of the PRP list could enhance this product by a sharing of local knowledge by Bureau personnel who work in this area on a daily basis. Realizing the "Enforcement Confidential" nature of this information, BLM would limit access to it to only those personnel with a need to know.

I look forward to continuing our cooperative relationship on the Atlas Project. If additional information is needed specific to the area of operations, please don't hesitate to contact Dave Howell, Hollister Resource Area Manager at (408) 637-8183.

Sincerely,

Ed Haste
State Director

cc: B.R. Hyde, Jr. W.O. 509
Room 3061, MIB
DM, Bakersfield
AM, Hollister

CA019 for W0500 11:48 EST 09-Mar-88 Message 356-196 [4]
* RECEIPT notice pending *

Receipt of Message 356-196 acknowledged to CA019 on 16:39 EST 09-Mar-88