

Learning,
Please Draft
ASAP *Willie*

Atlas Asbestos Mine Site

DRAFT
 12/4/88

Background

- The Atlas site is a NPL site of approximately 435 acres west of Coalinga, Fresno County, California.
- This site is in a 50 square mile geologic formation of naturally occurring asbestos.
- BLM is a PRP because the lands were never fully patented under the 1872 Mining Act.
- BOR is involved because water borne asbestos is carried from this site to ponding basins next to the California Aqueduct. Asbestos is placed in drinking water when the ponds over flow. Asbestos is placed in the air when the ponds evaporate and are tilled.
- State of California may be a PRP since several acres are in receivership due to a failure to pay taxes.

Problems

- BLM is the deep pocket.
- EPA admits that it can not come up with a quantitative risk assessment.
- There are no funds in the 1990 budget for this site.
- BLM California State Director has sent a letter to the Regional Director of EPA saying that he will sign all documents.
- Originally BLM agreed to accept liability ^{for the mine site under a theory that} ~~for a small portion of this sight,~~ since DOJ indicated ^{might} ~~that~~ this would not set a precedent and that the Department might be able to use ^{an} "innocent landowner" defense in other areas within this geologic area. This is no longer true. Thus this case may set a big precedent for this area and other potential Departmental liability under the 1872 Mining Act.

12/8 Meeting

- This meeting is probably to discuss the actions of the California State Director. These actions may be moot given the decisions of the Under Secretary, i.e., the AS\PBA will sign the RODs. SOL is likely to support the signing of the ROD at the Secretarial level.
- The more important issues maybe: the precedent setting nature of this site; 1990 funding; and the uncertainty associated with the EPA analysis.