

CRSD

~~10/1/20~~
Atlas



U.S. DEPARTMENT OF JUSTICE
Environment and Natural Resources
Division
ENVIRONMENTAL DEFENSE SECTION
Washington, D.C. 20530
Machine Number (202) 514-2584

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL

(Name and Phone Number)

TO: TIM ELLIOT (continuation of previous)

FROM: J. STEVEN ROGERS *JSR*

DATE: 8/26/91

NUMBER OF PAGES: 20 25 (Including Cover Sheet)

DESTINATION'S FAX #: 208-3877

DESTINATION'S VOICE COORDINATION #:

Tim - The 8/14/91 letter and the
8/1/91 Letter (Attachment D) are
the most useful in assessing where EPA
comes from here. *JSR*





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105

March 29, 1991

VIA CERTIFIED MAIL

Mr. William Klauberg, President (P 918 448 494)
Vinnell Mining and Minerals Corporation
10530 Rosehaven Street - Suite 600
Fairfax, Virginia 22030

Mr. Richard Weaver, Chief Executive Officer (P 918 448 495)
Atlas Corporation
370 17th Street - Suite 3150
Denver, Colorado 80202

Re: Special Notice Letter for the Atlas Asbestos Mine
Area Operable Unit of the Atlas Asbestos Mine
Superfund Site Fresno County, California,
Demand for Payment and
Notice of Federal Facility Agreement Negotiations

Dear Messrs. Klauberg and Weaver:

This letter provides you with notice pursuant to Section 122(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9607, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA") of a period of negotiations concerning implementation of the remedial action selected for the above-referenced operable unit ("site") and constitutes a demand for payment of response costs already incurred by the United States at this Site. This letter also provides you with notice of EPA's simultaneous initiation of negotiations pursuant to Section 120 of CERCLA with United States Bureau of Land Management with respect to the Site.

The U.S. Environmental Protection Agency ("EPA") has determined that Vinnell Mining and Minerals Corporation and Atlas Corporation (collectively the private potentially responsible parties ("private PRPs")) are potentially responsible for the release of hazardous substances at the Site. Under Section 107 of CERCLA, responsible parties are liable for the cleanup of the Site, including all costs incurred by the government in responding to releases at the Site.

Letter to Messrs. Klauberg and Weaver
March 29, 1991
Page 2

Asbestos is the only contaminant of concern at the Site for which a remedial action has been selected. As you may know, a remedial investigation and feasibility study was conducted to evaluate on-site and off-site contamination and possible remedial alternatives. After considering public comment, EPA selected the remedial action, which is set forth in the February 14, 1991 Record of Decision for the Site. EPA does not have information on the specific volume of asbestos contributed by any of the potentially responsible parties.

EPA is now invoking the special notice procedures of Section 122(e) of CERCLA to expedite the remedial process and facilitate a settlement between EPA and the potentially responsible parties. In accordance with Section 122(e), EPA is providing an initial 60-day period during which EPA may not take certain response activities at the Site. The 60-day period will begin to run on April 12, 1991 to insure receipt of this letter by both parties. This 60-day period provides the private PRPs the opportunity to submit a good-faith offer to conduct the remedial action required at the Site. EPA requests that the private PRPs collectively submit one offer. If EPA receives a good-faith offer by 5:00 p.m. on June 11, 1991, an additional 60 days may be provided for continued negotiations. EPA encourages the private PRPs to negotiate a settlement and to perform the remedial action.

A settlement between EPA and the private PRPs would be embodied in a Consent Decree executed within the 120-day negotiation period. A proposed Consent Decree is enclosed to assist you in developing a good-faith offer.

This proposed Consent Decree is not binding on EPA and is subject to revision and approval by EPA and the United States Department of Justice. If EPA is unable to reach agreement with the potentially responsible parties within the 120-day period, EPA will take appropriate measures to ensure the implementation of the remedial action.

A "good faith" offer is a written proposal that demonstrates the private PRPs' qualifications and willingness to conduct or finance the remedial action. A good faith offer should include:

- (1) A statement of the private PRPs' willingness to conduct or finance the remedial action that is consistent with the Record of Decision and proposed Consent Decree and that provides a sufficient basis for further negotiations;
- (2) A demonstration of the private PRPs' technical capability to undertake the remedial action;
- (3) A demonstration of the private PRPs' capability to finance the remedial action;

Letter to Messrs. Klauberg and Weaver
March 29, 1991
Page 3

- (4) A statement of the private PRPs' willingness to reimburse EPA for the costs EPA would incur in overseeing respondent's implementation of the remedial action;
- (5) A detailed response to the proposed Consent Decree;
- (6) A detailed response to the proposed Scope of Work included as Appendix B to the Consent Decree; and
- (7) The name, address, and telephone number of the party who will represent the private PRPs in negotiations.

In accordance with CERCLA, EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site. A summary of these costs is attached. EPA also anticipates expending additional funds for response activities at the Site, which may include a remedial action or oversight of a remedial action. With this letter EPA demands that you reimburse EPA for its costs incurred to date and future response costs incurred by EPA pursuant to Section 107(a) of CERCLA. The costs through November 30, 1990 of the response action performed at the Site through EPA funding are at least \$2,701,246.75. In accordance with Section 107(a) of CERCLA, EPA hereby demands payment of this amount. EPA also demands payment of interest at the rate specified in Section 107(a) of CERCLA. Interest on the amount due shall begin to run on the date that you receive this letter.

EPA has previously sent a general notice of potential liability with reference to the Site to the United States Bureau of Land Management ("BLM"). On the date of this letter, EPA is sending BLM notice of Federal Facility Agreement ("FFA") negotiations pursuant to §120 of CERCLA, along with a draft FFA. EPA encourages the private PRPs to coordinate its good faith offer with the BLM and to provide EPA with a good faith offer which together with an FFA to be proposed by BLM would constitute full implementation of the selected remedy and full payment of past and future response costs incurred and to be incurred by EPA.

In the event that either of the private private PRPs or the BLM do not participate in the remedial process, EPA will seek the participation of the remaining parties.

The administrative record files for the Site are available for public inspection at EPA Region IX offices, 75 Hawthorne Street, San Francisco, California, and at the information repositories in the Coalinga area. These files contain the documents relating to the remedial action selected for the Site.

Letter to Mssrs. Klauberg and Weaver
March 29, 1991
Page 4

Any correspondence regarding this notice letter should be addressed to:

Dan Meer
Remedial Project Manager (H-6-2)
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

If you have any technical questions regarding this letter, please contact Dan Meer at (415) 744-2219. Any legal questions should be referred to Laurie Williams of the Office of Regional Counsel at (415) 744-1387. We look forward to working with you.

Sincerely,



Jerry Clifford
Deputy Director for Superfund

Enclosure

cc: William Weinischke, United States Department of Justice
William Allen, EPA Liaison for Natural Resources Trustees
Frank Lopez, California Department of Health Services
Laurie Williams, Office of Regional Counsel
Dan Meer, Remedial Project Manager

Ed Hasteley, State Director
U.S. Bureau of Land Management

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RECORD OF COMMUNICATION		<input checked="" type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY) <u>0000277</u>	
TO: Keith Takata		(Record of item checked above)	
FROM: Lois Payne BLM FTS 468-4541		DATE: 9-30-83	TIME:
SUBJECT: Atlas Asbestos			
SUMMARY OF COMMUNICATION			
<p>① BLM would like a copy of NPL sites in Region 9 and a list of California state superfund sites.</p> <p>② The tailings at Atlas Asbestos are on BLM land. BLM realizes that it may be responsible for cleaning up. It would like to visit the site preceding a meeting between EPA and BLM. Tentative 10-12 or 10-13. (Branch chief level.)</p>			
CONCLUSIONS, ACTION TAKEN OR REQUIRED			
I agreed to talk and promised to get back to Payne.			
INFORMATION COPIES TO: Seraydarian, Zelickson, Kenworthy, Martyr			

00-27-91 10:4ZAM DOJ ENVIRN DEF

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001351

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)974-6153 or FTS 454-6153. Jennifer Becker, the Remedial Project Manager, may be contacted at (415)974-8161 or FTS 454 0161 and is available to assist you or your staff at any time.

Sincerely,

John C. Wise
Deputy Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105

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August 1, 1991

Martin McDermott, Esq.
U.S. Department of Justice
Environment and Natural Resources Division
Defense Section
10th and Pennsylvania Avenues
Washington D.C. 20530

Re: Atlas Mine Site
Mine Area Operable Unit
Settlement Negotiations
Response to June 11, 1991 Correspondence

Dear Mr. McDermott:

This letter responds to the June 11, 1991 letter received from Edward L. Hastey, State Director of the Bureau of Land Management ("BLM") with respect to the above-referenced site. It also addresses EPA's concern that an important opportunity to resolve this matter efficiently without extensive litigation is about to be lost.

The Innocent Landowner Defense: As you know, Mr. Hastey's letter explains that BLM believes that it is an "innocent landowner" with respect to the Mine Area Operable Unit, and that its "liability is limited in accordance with Section 107(b) of CERCLA." BLM has based this contention on the fact that the 1872 mining law gave miners a statutory right to mine minerals at the Atlas Site without giving BLM a statutory or regulatory basis for controlling this mining activity.

While remaining sympathetic with BLM's position, EPA is not convinced that BLM will prevail on this basis in the contribution action that has been brought by the private parties, Atlas Corporation ("Atlas") and Vinnell Mining and Minerals Corporation ("VMC"). Under Section 107(b) of CERCLA BLM would have the burden of establishing by a preponderance of the evidence that

(1) the release or threat of release of the hazardous substance and the damages resulting therefrom were caused solely by acts or omissions of third parties, such as

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Letter to Mr. McDermott

August 1, 1991

Page 2

Atlas and Vinnell, and

(2) BLM "exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and . . . took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions. . . ."

In this case, EPA believes that BLM would be vulnerable to arguments that it did not meet either of these criteria. With respect to the criteria that the sole source of the release or threat of release be the actions of others, BLM's operation of the site following its abandonment by the miners may be found to be the basis for liability as an operator, who contributed to the spread of contamination.

With respect to the second criteria, BLM may be found not to have exercised due care and taken precautions against foreseeable acts or omissions, because it could be argued:

(a) During Atlas' and VMMC's operation of the site, the United States was aware and BLM either knew or should have known that (i) asbestos is a hazardous substance, and (ii) huge quantities of a more friable and erodible and hence more dangerous form of the substance were being deposited in unstable piles at the Mine Area OU. In this context, even if BLM did not believe it had the authority to take action under any statute or regulation, BLM certainly had the authority to write to the private parties as well as to the appropriate arms of the state and federal government and urge them to take some action to abate the threat.

(b) After the private parties abandoned the Mine Area OU and until EPA intervened, BLM allowed the Mine Site to be used for a variety of purposes including the riding of off-highway vehicles, as well as other recreational uses which contributed to the erosion and instability of the piles and exposed the public to air-borne asbestos.

BLM may be able to explain these courses of action as basically reasonable under the circumstances. However, EPA remains very concerned that the courts will be reluctant to hold that BLM's actions met the statutory standard. As a result, it is EPA's evaluation that, if BLM hopes to establish favorable precedent on the innocent landowner defense, the Mine Area OU is probably not an appropriate case to bring to court.

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Letter to Mr. McDermott
 August 1, 1991
 Page 3

The Appropriate Level of BLM Participation in Performance of the Remedy and Payment of Past Costs: Given that BLM appears unlikely to prevail on the innocent landowner defense in the pending contribution action, the remaining question is the appropriate level of participation by BLM in a settlement with EPA and the private party PRPs. According to Mr. Hastey's letter, BLM apparently erroneously became concerned that EPA intended to require BLM to take responsibility for "remediation of the entire Atlas Site." This is not the case. EPA has used the criteria in the reported decisions described below to estimate the appropriate allocation. These cases appear to present the range in reported decisions on allocation of landowner liability, where the landowner was not also an operator, generator or transporter.

In the Matter of EL Capitan Site, Final Arbitration Decision of the California, Office of the Secretary of Environmental Affairs, Hazardous Substance Cleanup Arbitration Panel, Case No. 89-0102, July 15, 1990. - This decision which was made under the California superfund law uses the same criteria as those applied by the federal courts in deciding CERCLA cases. It addresses a site at which BLM was the landowner, but where there was "no evidence that the BLM was involved in the generation, transportation, treatment or disposal of the hazardous substance, or had any actual or constructive knowledge as to the actions or inactions on the part of [the operators] in this regard." (Decision at p.6.) In these circumstances the panel chose to allocate 10% of the liability to BLM based on its apparent failure "at least upon termination or abandonment of a lease or mining patent, to inspect the premises and to make a reasonable effort to determine if any hazardous substances have been introduced to or left on the property." (Decision at p.8.) BLM did not participate in the arbitration or present any evidence.

United States v. R.W. Meyer, Hazardous Waste Litigation Reporter, May 20, 1991 at pages 20994-21004 (Case No. 89-2236, decided May 9, 1991 by the Sixth Circuit Court of Appeals) - This decision pursuant to CERCLA holds that the district court did not abuse its discretion in allocating one third of the liability for EPA's response costs to the owner of the property. It cites six factors to be considered in making such allocations derived from CERCLA's legislative history. They are:

"the ability of the parties to demonstrate that their contribution to a discharge, release or disposal of a hazardous substance can be distinguished;

the amount of hazardous waste involved;

the degree of toxicity of the hazardous waste involved;

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Letter to Mr. McDermott

August 1, 1991

Page 4

the degree of involvement by the parties in the generation, transportation, storage, or disposal of the hazardous waste;

the degree of care exercised by the parties with respect to the hazardous waste concerned, taking into account the characteristics of such hazardous waste; and

the degree of cooperation by the parties with Federal, State or local officials to prevent any harm to the public health or the environment."

In Meyer, the Court also notes that Congress also provided that the court should use "such equitable factors as the court determines are appropriate." Decision at 20998, citing Section 113(f)(1). The owner in Meyer was found by the trial court to have been instrumental in negotiations which brought the operator to the city in which his property was located, to have negotiated a lease with the operator, to have collected rent, and to have arranged for construction of the facility, fully aware of the nature of the manufacturing to be conducted on the site. Decision at p. 21001, Ralph B. Guy, Jr., concurring.

Applicability of El Capitan and Meyer cases to allocation of responsibility at the Atlas Site: EPA's proposal to allocate 15% of past and future response costs to BLM was based on what EPA viewed as an application of the authorities cited above to the present case in a manner which was as favorable as possible to the government without being so offensive to the private parties that it would discourage further negotiations.

While BLM certainly had knowledge of Atlas' and VMMC's activities at the operable unit, it did not encourage or profit from them. BLM has been cooperative in restricting access to the operable unit, posting warning signs and assisting EPA with its investigation. However, in evaluating the appropriate level of BLM participation, BLM should also consider that it may be held to have operated the Mine Area OU in a manner that contributed to the spread of contamination, following the abandonment of the operable unit by the private parties. EPA believes that BLM runs a significant risk of a judgment for participation in excess of 15% if it allows a court to make this determination.

Time Is Of The Essence: As I have mentioned in our prior conversations, EPA believes that a prompt evaluation by BLM of its position in this case is critical. EPA's enforcement program in cases in which private party PRPs are involved is governed by Section 122(e). In order to run a credible enforcement program

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Letter to Mr. McDermott
August 1, 1991
Page 5

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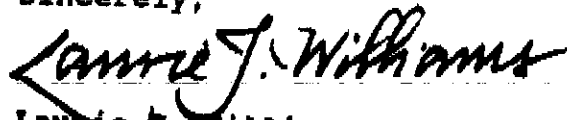
which produces timely settlements, it is EPA's current policy not to extend the 120 day period of negotiations provided in that section, unless there is evidence that a limited extension is likely to result in a settlement.

EPA does not intend to extend the period of negotiations for the Mine Area OU beyond August 12, 1991, unless an agreement on an allocation of responsibility as between BLM and the private parties has been agreed upon. We view an agreement on this issue as the starting point for negotiations on the appropriate form and language of a settlement. If an agreement is not achieved on the percentage of past costs and remedial work to be borne by Atlas and VMNC as opposed to BLM by that date, EPA intends to issue a unilateral order to Atlas and VMNC to perform the remedy and to request that the Department of Justice file an action for recovery of past costs. At that point, the United States' opportunity to resolve this matter without further litigation will have been lost.

EPA urges the Defense Section of the Department of Justice to respond to EPA's proposed allocation with its own proposal and rationale. EPA also urges you to insure that BLM makes its representatives and decision makers available for intensive negotiations with EPA and the private party PRPs throughout the week of August 5th, 1991. My recent conversations with the private party representatives have been encouraging. I believe that a settlement which is advantageous to all concerned can still be negotiated even in the short time remaining, if BLM is prepared to participate.

Thank you for your attention to this matter.

Sincerely,



Laurie J. Williams
Assistant Regional Counsel

cc: Dan Meer, Remedial Project Manager
Greg Baker, Section Chief
William Weinschke, Esq., Department of Justice
Steve Samuels, Esq., Department of Justice

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United States Department of the Interior

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BUREAU OF LAND MANAGEMENT

Nov 2 10 02 AM '83

800 Truxtun Avenue, Room 302
Bakersfield, California 93301

Phone: (805) 861-4191

Office Hours: 7:30 a.m. to 4:00 p.m. weekdays

OCT 31 1983

IN REPLY
REFER TO:

3809/1790
(C-010)

Mr. Russell H. Wyer, Director
Hazardous Site Control Division
Office of Emergency and Remedial Response (WH-548E)
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Wyer:

The Bureau of Land Management strongly opposes the addition of the Atlas Asbestos Mine in Fresno County, California, to the National Priorities List of the National Oil and Hazardous Substances Contingency Plan, as proposed in the Federal Register of September 8, 1983, pp. 40674-40682.

Although the millsite of the Atlas Asbestos Mine is on 10 acres of private land, the remainder of the mine, including tailings, is on approximately 80 to 100 acres of public land administered by the Bakersfield District of the Bureau of Land Management.

The Atlas Mine is only one of many surface disturbances within a 30,000-acre serpentine ore body, the mineral from which asbestos is derived. Most of this geologic formation is naturally barren of vegetation, simply because of the elemental constituency of the soil. A series of photographs of this area, from 1936 through the 1982 photos contracted for BLM and located in the Hollister Resource Area Office, document this long-term condition. The lack of vegetation and the serpentine soils of this area allow very rapid runoff resulting in very severe natural erosion, which has been observed and studied for several years.

The serpentine ore body also lies within the Clear Creek Recreation Area, managed by the BLM primarily as an off-road vehicle play area. An intensive asbestos hazard awareness program is administered through posted notices and warnings to users from BLM patrol personnel. In addition to the Atlas Mine, there are many additional disturbances in the area, including over 900 mining claims and many roads. It is our opinion that no site-specific mitigation can significantly reduce the levels of asbestos found in the drainages from this area due to the extensive naturally occurring emissions.

BLM representatives from the Bakersfield District and Hollister Resource Area offices met with EPA representatives from Region IX in San Francisco on October 13, 1983. At this meeting, we presented our concerns and have

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arranged a meeting for November 9 with the contractor preparing the Remedial Action Master Plan for the Atlas Mine. We will provide any information available to the contractor, including appropriate sedimentation studies.

In conclusion, the Bureau of Land Management believes it is inappropriate to identify the approximately 100 acres of surface disturbance at the Atlas Asbestos Mine as a mitigatable source of water-borne asbestos in a 30,000-acre geologic formation that would be naturally releasing high levels of asbestos into surface waters, even if the area were not historically and currently heavily disturbed. On site mitigation would be extremely expensive and ineffective in reducing the amount of asbestos released into surface waters draining from this area.

Sincerely,



Robert D. Rheiner, Jr.
District Manager

cc: C-019
C-932

✓ Richard Martyn, EPA, Region IX

SFUND RECORDS CTR
1633-9087076
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

August 5, 1988

Walker Smith, Esq.
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611 Ben Franklin Station
Washington, D.C. 20044

Dear Ms. Smith:

Per your request to Jon Wactor, Regional Counsel for the U.S. Environmental Protection Agency Region IX, I have enclosed information regarding property ownership for the Atlas Asbestos Superfund Site and surrounding areas near Coalinga, California.

As you know, the Atlas Asbestos Mine has been listed on the National Priorities List (NPL) since 1983. EPA has requested cooperation from the Bureau of Land Management (BLM) for conducting the site investigations through the Remedial Investigation and Feasibility Process (RI/FS). Since BLM denied being a Potentially Responsible Party (PRP) and did not agree to lead the RI/FS investigation, EPA proceeded to conduct the investigation as the lead agency. The RI and FS reports are scheduled to be completed in late summer 1988. At that time, EPA will send Special Notice Letters to BLM and the other PRP's requesting that they assume the responsibility for conducting the Remedial Design (RD) and Action (RA).

BLM Washington continues to decline full participation in the RI/FS and RD/RA process pending a decision by the U.S. Department of Justice on BLM's status as a PRP. EPA views this continued denial of responsibility as particularly problematic at this time since negotiations for RD/RA should begin next month.

The enclosed summary includes the limited information EPA currently has regarding ownership of dozens of other mines in the vicinity of the Atlas site. As these Non-NPL mines may contribute to water- and airborne asbestos transport off-site that may affect the health of nearby populations, the EPA is concerned with remediation of these sites as well. BLM appears to own a substantial amount of property on which these other mines are located. Unfortunately due to the vague nature of mining claim locations, the exact volume of tailings material and extent of anthropic activity at each site is unclear. Additionally, property ownership boundaries are also vague as you can see on

BLM/DOJ/EPA INFORMATIONAL EXCHANGE AND COORDINATION MEETING
SEPTEMBER 29, 1988
 Main Justice Building, Rm. 2603
 9:00 AM

PARTICIPANTS

<u>Name</u>	<u>Agency</u>	<u>Telephone</u>
GREGORY BAKER	EPA REGION 9	(415) 974 8533
TIM ELLIOTT	Interior - SOL 1849 C ST. NW. W. DC. 20240	FTS 454 8537
Kris Clark		343-4722
Steve Brown		343- 4722 2295
		343-4146
DAVE HOWELL	BLM	343-4596
Bernie Hyde	18 1/2 C ST. Main Bldg.	343-5517
AL JAHNS	DOI/SOL/SACTO	460-4831
Eydie Pinn	EPA/HQ	475-9759
Jennifer Decker	EPA/Region IX	(415) 974-8161
Ivy Main	EPA - OGC	382-7703
Chip Landman	EPA - FEDERAL	382-2035
CHRIS GRUNDLER	EPA - FEDERAL COMPLIANCE OFFICE	475-9801
J. STEVEN ROSEBAJ	DOJ - EAS	633-4548
John D. Rothman	EPA RA ORL	454-7453 (FTS)
Peggy Strand	DOJ - EDS	633-2219
Linda Southerland	EPA - Fed Fac	475-9808
Walker Smith	DOJ - EES	633-2639
GARY FISHER	DOJ - EES	633-4485

the enclosed topographic maps. EPA Region IX is conducting a New Idria Regional Study, scheduled to be completed in December 1988. This study will more precisely define the extent of asbestos waste at these other mining sites including average total volume of tailings, property ownership, limited site histories and a list of those mines that warrant consideration of placement on the NPL or cleanup under 106 Orders.

Ivy Main, EPA Counsel in Washington, D.C., has copies of the Atlas site history, correspondence between BLM and EPA and an analysis by Region IX Counsel of BLM's status as a PRP. If you would like to discuss these matters with them, Ivy Main can be reached at FTS #475-8067 and Jon Wactor, Regional Counsel, can be reached at FTS #454-8042.

I hope this information assists you in reaching a formal declaration of BLM's status as a PRP in the immediate future. Should you need clarification of this summary or any additional information, please do not hesitate to call me at (415) 974-8161 or FTS #454-8161.

Sincerely,



Jennifer A. Decker
Remedial Project Manager
Federal Response Section

Enclosures