

Pat Cassano

1-22-88

Atlas

G. Fische

Steven Proopus

* Walker Smith

BH

Steven Brown

Percolation of list ing.

107(b)(3) possible

innocent landowner prior to 3801

under non-discretionary

Does CERCLA still prevent EPA from expending Superfund,

3801 not applied retroactively,

mixed funding proposal.

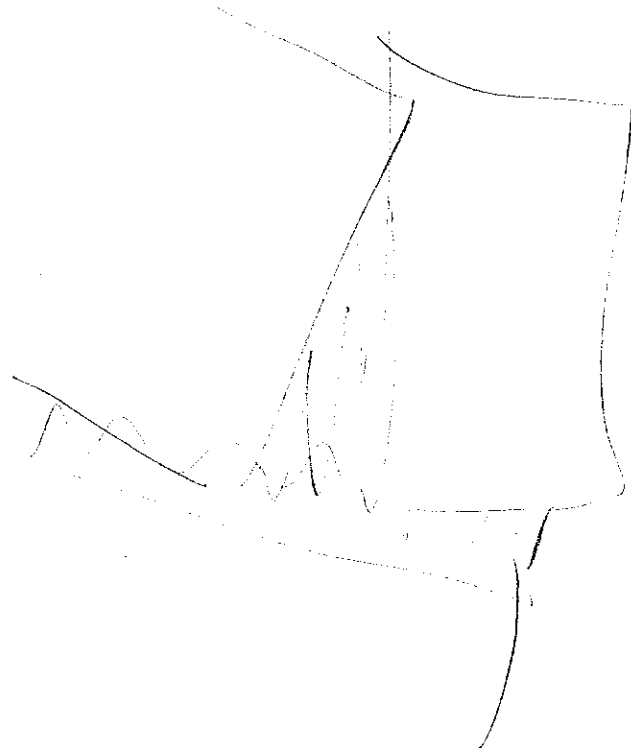
Naturally occurring substance problem

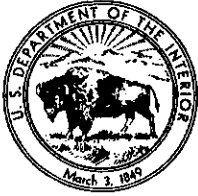
MOU or legislation.

MOU w/contribution Protection.

Facts Atlas

Generic





Pat Cassana
Gary Fishers
Steven Rogers
Walter Smith

United States Department of the Interior

BA
Steve Brown
IN REPLY REFER TO:

1703
CA-932

BUREAU OF LAND MANAGEMENT
CALIFORNIA STATE OFFICE
2800 Cottage Way
Sacramento, California 95825

NOV 23 1987

Memorandum

To: Director, WO 509, Room 3061, MIB

From: State Director, California

Subject: Atlas Asbestos Mine

We recently discussed with Bernie Hyde and our Regional Solicitor's office, our ongoing coordination with Region IX of the Environmental Protection Agency regarding the Atlas Asbestos Mine. EPA's letter of October 13, 1987, copy attached, requests the Bureau take certain actions, particularly an involvement in the ongoing Remedial Investigation/Feasibility Study (RI/FS) effort and in implementing interim corrective measures. I request the following:

1. An opinion by either or both the DOI solicitor and/or the Department of Justice concerning the Bureau's responsibility as well as liability under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC 9601 et. seq (CERCLA) as it relates to the Atlas Mine superfund site.
2. The Bureau's responsibility as well as liability if we are found to be a principle responsible party on the Atlas Mine site.

Because of the Atlas and Coalinga Project Schedule (see enclosure 2), it is imperative the answer to the questions be resolved prior to EPA completing the remedial investigation on April 29, 1988.

We plan to initiate a pre-120 agreement with Region IX of the EPA within the next 30 days. A copy of that agreement will be forwarded to you upon consummation. We also intend to continue implementing measures identified in the Hollister RMP (e.g., controlling access in order to further minimize erosion).

Ed Hunter

2 Attachments

1. EPA letter, October 13, 1987 (6 pp.)
2. Atlas and Coalinga Project Schedule (2 pp.)

cc:
DM, Bakersfield
AM, Hollister



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 215 Fremont Street
 San Francisco, Ca. 94105

13 October 1987

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

Re: Atlas Asbestos Mine Site
 Property Owned by Bureau of Land Management
 Coalinga, California

Dear Mr. Haste:

I would like to express my appreciation for you and your staff taking the time to meet with John Wise and EPA staff on August 31. The meeting was very informative for both BLM and EPA.

As we discussed, the Atlas Asbestos Mine (located near Coalinga, California) has been designated as a Superfund site by the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et. seq. (CERCLA). This letter informs you about the Superfund process in general, EPA's actions at the Atlas Asbestos mine, and BLM's status as a responsible party.

Once an area is designated a Superfund site, the following process is implemented. First, the site is thoroughly investigated in order to quantify the amount of hazardous material at the site and to quantify the risk that the material poses to the community. Activities which eliminate or minimize the risk will also be identified at that time. This activity is called the Remedial Investigation/Feasibility Study (RI/FS). After the RI/FS is completed, EPA will decide which cleanup remedy is needed. Once the cleanup remedy has been chosen, it is designed and implemented. The entire process may take several years, so if an immediate health threat is discovered, emergency response actions can also be taken to eliminate or minimize the threat.

To	Initial	Date
1 SD	ED	
2 ASD	RH	
ADMIN		
3 RES		
OPER		
PA		
Minerals		
EEO		

RES - AFTER
 YOU & EDUCATOR
 HAVE DIGESTED
 THIS - LET'S DISCUSS
 IN FORM DATA -
 Ed

Action by 3
 Surname by _____
 Return to _____

10/30
 11/9

ATCA-1.

EPA is currently conducting the RI/FS at the Atlas Asbestos site pursuant to Section 104 of CERCLA, and will continue such activities unless we determine that a responsible party will properly conduct the study in a manner consistent with the National Contingency Plan (Title 40, Code of Federal Regulations, Part 300) and EPA's RI/FS guidances.

Responsible parties under CERCLA include current and past land owners and operators, as well as persons who generate the hazardous substances or were involved in their transport, treatment, or disposal. Based on public records concerning ownership of the site, EPA believes that BLM may be a responsible party. More specifically, these records show that the Bureau of Land Management owns the Atlas Asbestos site. |

Under Section 106(a) and 107(a) of CERCLA, responsible parties may be required to implement any needed response to a release or threatened release of a hazardous substance to the environment, and be may liable for expenditures for investigation, planning, cleanup of the site, and enforcement. With the reauthorization and amendment of CERCLA on October 17, 1986, these requirements have taken on new significance. For the first time, it is explicitly clear that Federal Agencies are required to implement CERCLA programs at all NPL sites in a manner consistent with all EPA guidelines, rules, regulations and criteria (see CERCLA Section 120). By this letter, EPA notifies BLM of potential liability with regard to this matter and encourages BLM to assist EPA in undertaking the RI/FS and prepare for undertaking cleanup activities which will be overseen by EPA. | *made*

EPA has determined that a release of hazardous substances, as defined by Section 101(14) of CERCLA, has occurred at the Atlas facility. At the present time, asbestos, chromium, and other metals have been found in soil, air and surface water samples at the site. The site has been identified as a probable source of waterborne asbestos in the California Aqueduct and as a source of ambient asbestos in air samples taken near the site and in the town of Coalinga. As a result of such contamination, users of surface waters of Los Gatos Creek, California Aqueduct users, residents of Coalinga, Huron and Avenol and wildlife in the area may potentially be exposed to the contaminants in levels harmful to human health or the environment. In addition, the potential exists for

In addition, EPA would like to discuss having BLM implement interim corrective measures to secure the site in order to prevent any contact with any hazardous substances that may be present at the site. Specifically, EPA would like BLM to install at least a 6-foot high locked pipe panel gate across all access roads, set deep in concrete during November, 1987. To further reduce the potential for unauthorized people to gain access to the site, signs should be posted on the road leading to the site that give a warning of the asbestos waste per EPA's specifications. These signs should be at least 4 by 3 feet in size and should be in English and Spanish.

1. Diverting streams around the mining overburden and tailings piles to reduce erosion;
 2. Designing and implementing the EPA-approved final remedy; and
 3. Providing any monitoring and maintenance necessary after remedial measures are completed.
- During and/or after completion of the above studies, BLM may be asked to undertake, or may be liable for, implementation of corrective measures necessary to protect the public health, welfare, or the environment. Such measures may include, but are not limited to:

1. Further investigations to identify the local meteorological and geological characteristics and to define the nature and extent of soil, air and surface water contamination at the site; and,
2. Feasibility studies to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site.

EPA is now considering further response actions in the area. This letter invites BLM to participate in these activities by assisting EPA. Studies which must be conducted to address the situation at the Atlas Asbestos site include:

direct public exposure to highly contaminated soils and/or surface waters in unsecured areas of the site.

As we discussed, EPA would like to meet regarding these issues with you or your staff so that EPA and BLM can have a mutual understanding of how BLM will participate in future investigations and cleanup activities. A commitment to remain consistent with EPA RI/FS guidances and policies must be made through an interagency agreement. To that end, my staff will be sending you a draft interagency agreement in October.

We would appreciate a response, in writing, within 20 calendar days from receipt of this letter, indicating BLM's willingness to participate in the RI/FS. EPA may later invite BLM to undertake the design and implementation of the selected remedy upon our completion of the RI/FS.

In your letter, please indicate the appropriate BLM Project Manager name, address, and telephone number for further contact. Your letter should be sent to:

Jennifer Decker
Toxics and Waste Management Division
Mail Code T-4-3
U.S. EPA, Region 9
215 Fremont Street
San Francisco, CA 94105

In addition to this notification, EPA would like to obtain certain information from you to assist us in the RI/FS. We are interested in any information that you have on the following:

1. The total volume of asbestos, in cubic meters, and the methods used to generate, store, treat, dispose of, or otherwise handle the asbestos, and when and where this activity occurred. Please describe locations as precisely as possible; e.g., for on-site activities, specify where on the site the activity took place. This information should include, but not be limited to, information pertaining to ponds, tanks or other units which were historically used to store or dispose of hazardous substances but which no longer exist, and information, including correspondence between BLM, the Atlas Asbestos Company or other parties, pertaining to any wastes which were or are now being discharged from the mine facility into a pond or other areas within the adjacent property.

2. Any photographs, maps, or diagrams, regardless of their date, which are in the possession of BLM or any of its divisions or contractors, which show the mine facility, adjacent areas of the neighboring mill, drainage patterns, or areas on which hazardous substances have been or may be located including transportation to off-site areas.
3. The identity of any other person or persons, as defined in CERCLA Section 101(21), who you believe may have any information, documents, or other materials addressed in the preceeding three paragraphs, and a brief description of the information you believe they may have.

In responding to the above request, please describe the types of records that were maintained by BLM, including the date of the records, the author of the records, the current location of the records, and the current custodian and all efforts that were taken to identify these records. If, in responding to the above request, information was obtained through employee interviews, indicate so in your letter and provide the names of the employees interviewed. We would appreciate receiving your response to this request for additional information as soon as possible, but within 30 days would be very helpful to us.

We look foward to working closely with the BLM staff in the future. Should you have any questions regarding the site or this letter, please feel free to contact Jennifer Decker, the Remedial Project Manager, at (415) 974-8161 or myself at (415) 974-7460.

Sincerely,



Jeff Zelikson
Acting Director
Toxics & Waste Management Division

cc: John Wise, Deputy Regional Administrator
Jon Wactor, Office of Regional Counsel, EPA Region 9
Jennifer Decker, Remedial Project Manager, EPA Region 9
Director, Office of Waste Programs Enforcement, EPA
Jeanine Jones, California Department of Health Services
Gary Carozza, Fresno County Health Department/APCD
Lonnie Wass, Regional Water Quality Control Board

ATLAS AND COALINGA
PROJECT SCHEDULE



The following table lists the significant project milestones and project deliverables for the remainder of the RI/FS.

<u>Milestone</u>	<u>Date</u>
EPA approval of expanded air SAPP	8/31/87
Begin intensive air sampling	9/14/87
Submit inventory of potential asbestos sources report to EPA	9/18/87
Complete air sampling	10/2/87
Complete soil sampling	10/9/87
Submit streamwater sampling data report	10/15/87
Remove/move met station from site	11/6/87
Submit air sampling (8/86 and 3/87) data report to EPA	11/20/87
Receive draft Population and Pathway Characterization Report from Risk Assessment Subcontractor	12/1/87
Receive air data from CLP	12/4/87
Receive soil data from CLP	12/11/87
Submit meteorological data report to EPA	12/31/87
Receive final Population and Pathway Characterization Report from Risk Assessment Subcontractor	1/4/88
Submit soil sampling data report to EPA	1/15/88
Submit updated air sampling (8/86, 3/87 and 9/87) data report to EPA	1/22/88
Receive draft Endangerment Assessment Report from Risk Assessment Subcontractor	2/5/88
Submit site characterization report to EPA	3/4/88
Receive final Endangerment Assessment Report from Risk Assessment Subcontractor	3/4/88
Submit Draft RI Report to EPA	4/29/88
Receive EPA comments on RI Report	5/20/88

ATCH 24

Submit Final RI Report to EPA	6/17/88
Submit Draft FS Report to EPA	7/1/88
Receive T-4 EPA Comments on FS	7/15/88
Revised Draft FS	8/1/88
Receive EPA/State Comments on FS	9/1/88
Final Draft FS	9/30/88
Start Public Comment Period	10/15/88
Complete Public Comment Period	11/15/88
Draft ROD	12/1/88
ROD Comments	02/01/89
Final ROD	02/28/89



November 12, 1987

In Reply
Refer To: T-4-3

Dear Base Commanding Officer/Environmental Coordinator:

RE: EPA Region 9 Guidance on Federal Facility
Requirements Under CERCLA Section 120

The purpose of this letter is to summarize some of the 1986 amendments to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and to describe how they may apply to your facility and/or Federal agency. Section 120 (copy enclosed), which was added to CERCLA by the Superfund Amendments and Reauthorization Act of 1986 (SARA), states that each department, agency, and instrumentality of the United States (including the executive, legislative, and judicial branches of government) must comply with CERCLA in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity. To the extent our resources allow, the Environmental Protection Agency (EPA) Region 9 office is interested in working with your facility (or facilities) to ensure that all responses to hazardous substance releases (see CERCLA Section 101 for definitions) are performed in compliance with the Congressional mandate.

Congress included Federal facilities in its amendments to the Superfund law because it recognized that hazardous substance releases at some Federal facilities pose significant threats to human health and the environment. In addition, past Federal facility responses to these threats have not always been as timely or as thorough as desired. Hence, a major component of the CERCLA amendments was the inclusion of the far reaching requirements contained in Section 120. Some of these requirements mandate actions for EPA and some mandate action by Federal facilities. However, all require extensive cooperation and coordination between Federal facilities and EPA. Congress intended for us to work very closely in achieving the goal of environmental protection, and we look forward to working with you in that regard.

Partly in response to the CERCLA amendments, EPA formally included 32 Federal facilities on the final National Priorities List (NPL) on July 21, 1987. Eight of those facilities are located in the jurisdiction of the EPA Region 9 office. Since the enactment of CERCLA in 1980, EPA has directed its resources to oversight and remediation of those sites on the NPL. This is also true for our Federal facility program.

Many Federal facilities in EPA Region 9 have worked with us to ensure the consistency of their program with EPA's by submitting documents for our review. Although our limited resources have often prevented our direct involvement at non-NPL sites, Federal facilities are, nevertheless, required to conduct their responses to all hazardous substance releases in a manner that is fully consistent with EPA guidelines, rules, regulations, and criteria. In lieu of EPA's active involvement at non-NPL sites, this letter is intended to provide guidance on actions necessary to implement a response program that is consistent with CERCLA.

The first "action item" mandated in CERCLA Section 120 is the requirement for EPA to establish a special Federal Agency Hazardous Waste Compliance Docket. EPA Headquarters, in conjunction with your Headquarters, is completing compilation of the initial Docket. This Docket identifies Federal facilities that may have releases or substantial threats of releases of hazardous substances into the environment which may ultimately present a danger to public health, welfare or the environment. Your facility has been included on this initial Docket of facilities potentially having had, or presenting a threat of, such a release.

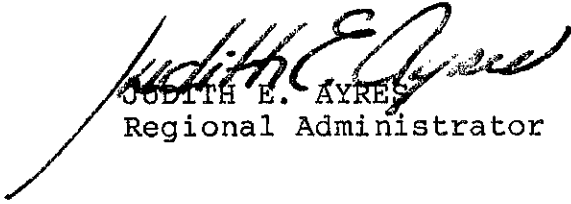
In order to ensure the thoroughness of the Docket, EPA may be requesting all Federal Agencies to survey their property holdings, pursuant to CERCLA Sections 103(C) and 120 and RCRA 3016, for identification of additional potential sites. Once the initial Docket is final, EPA plans on requesting Federal Agencies to submit a brief narrative describing the physical nature of the facilities on the Docket in order for the public to better understand the facilities which have been included on the Docket. CERCLA Section 120 requires that EPA revise the Docket every six months. It would be prudent for you to initiate this survey and to prepare this narrative now.

The summary contained in Enclosure 2 further describes CERCLA Section 120 and EPA Region 9 policy and requirements and applies to all Federal facilities, whether or not they are on the NPL. Please review these requirements carefully (Note: time-frames apply only to those facilities included on the initial Docket).

Enclosure 3 is a partial description of other applicable CERCLA requirements which you must comply with. Finally, Enclosure 4 is a partial list of some of the more critical EPA guidances and documents which must be incorporated into your environmental restoration efforts.

I hope this letter has been helpful to your understanding of the Federal facility requirements of CERCLA. The compliance of Federal agencies with environmental laws is one of EPA's top priorities, and we look forward to working closely with you in achieving this goal. Please feel free to contact either Amy Zimpfer, Chief, Federal Response Section, at 415/974-7414 or Nicholas Morgan, Superfund Federal Facilities Coordinator at 415/974-8603 should you or your staff have any questions regarding this letter.

Sincerely,


JUDITH E. AYRES
Regional Administrator

Enclosures

99th Congress
2d Session

COMMITTEE PRINT

S. PR.
99-217

**THE COMPREHENSIVE ENVIRONMENTAL
RESPONSE, COMPENSATION, AND LIABIL-
ITY ACT OF 1980 (SUPERFUND) (P.L. 96-
510)**

AS AMENDED BY

**THE SUPERFUND AMENDMENTS AND REAU-
THORIZATION ACT OF 1986 (P.L. 99-499)**



DECEMBER 1986

Printed for the use of the Senate Committee
on Environment and Public Works

U.S. GOVERNMENT PRINTING OFFICE

65-705 O

WASHINGTON : 1987

be selected in accordance with title IX of the Federal Property and Administrative Services Act of 1949. The Federal selection procedures shall apply to appropriate contracts negotiated by all Federal governmental agencies involved in carrying out this Act. Such procedures shall be followed by response action contractors and subcontractors.

SEC. 120. FEDERAL FACILITIES.

(a) APPLICATION OF ACT TO FEDERAL GOVERNMENT.—

(1) IN GENERAL.—Each department, agency, and instrumentality of the United States (including the executive, legislative, and judicial branches of government) shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under section 107 of this Act. Nothing in this section shall be construed to affect the liability of any person or entity under sections 106 and 107.

(2) APPLICATION OF REQUIREMENTS TO FEDERAL FACILITIES.—All guidelines, rules, regulations, and criteria which are applicable to preliminary assessments carried out under this Act for facilities at which hazardous substances are located, applicable to evaluations of such facilities under the National Contingency Plan, applicable to inclusion on the National Priorities List, or applicable to remedial actions at such facilities shall also be applicable to facilities which are owned or operated by a department, agency, or instrumentality of the United States in the same manner and to the extent as such guidelines, rules, regulations, and criteria are applicable to other facilities. No department, agency, or instrumentality of the United States may adopt or utilize any such guidelines, rules, regulations, or criteria which are inconsistent with the guidelines, rules, regulations, and criteria established by the Administrator under this Act.

(3) EXCEPTIONS.—This subsection shall not apply to the extent otherwise provided in this section with respect to applicable time periods. This subsection shall also not apply to any requirements relating to bonding, insurance, or financial responsibility. Nothing in this Act shall be construed to require a State to comply with section 104(c)(3) in the case of a facility which is owned or operated by any department, agency, or instrumentality of the United States.

(4) STATE LAWS.—State laws concerning removal and remedial action, including State laws regarding enforcement, shall apply to removal and remedial action at facilities owned or operated by a department, agency, or instrumentality of the United States when such facilities are not included on the National Priorities List. The preceding sentence shall not apply to the extent a State law would apply any standard or requirement to such facilities which is more stringent than the standards and requirements applicable to facilities which are not owned or operated by any such department, agency, or instrumentality.

(b) NOTICE.—Each department, agency, and instrumentality of the United States shall add to the inventory of Federal agency hazard-

ous waste facilities required to be submitted under section 3016 of the Solid Waste Disposal Act (in addition to the information required under section 3016(a)(3) of such Act) information on contamination from each facility owned or operated by the department, agency, or instrumentality if such contamination affects contiguous or adjacent property owned by the department, agency, or instrumentality or by any other person, including a description of the monitoring data obtained.

(c) **FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET.**—The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket (hereinafter in this section referred to as the "docket") which shall contain each of the following:

(1) All information submitted under section 3016 of the Solid Waste Disposal Act and subsection (b) of this section regarding any Federal facility and notice of each subsequent action taken under this Act with respect to the facility.

(2) Information submitted by each department, agency, or instrumentality of the United States under section 3005 or 3010 of such Act.

(3) Information submitted by the department, agency, or instrumentality under section 103 of this Act.

The docket shall be available for public inspection at reasonable times. Six months after establishment of the docket and every 6 months thereafter, the Administrator shall publish in the Federal Register a list of the Federal facilities which have been included in the docket during the immediately preceding 6-month period. Such publication shall also indicate where in the appropriate regional office of the Environmental Protection Agency additional information may be obtained with respect to any facility on the docket. The Administrator shall establish a program to provide information to the public with respect to facilities which are included in the docket under this subsection.

(d) **ASSESSMENT AND EVALUATION.**—Not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator shall take steps to assure that a preliminary assessment is conducted for each facility on the docket. Following such preliminary assessment, the Administrator shall, where appropriate—

(1) evaluate such facilities in accordance with the criteria established in accordance with section 105 under the National Contingency Plan for determining priorities among releases; and

(2) include such facilities on the National Priorities List maintained under such plan if the facility meets such criteria. Such criteria shall be applied in the same manner as the criteria are applied to facilities which are owned or operated by other persons. Evaluation and listing under this subsection shall be completed not later than 30 months after such date of enactment. Upon the receipt of a petition from the Governor of any State, the Administrator shall make such an evaluation of any facility included in the docket.

(e) **REQUIRED ACTION BY DEPARTMENT.**—

(1) **RIFS.**—Not later than 6 months after the inclusion of any facility on the National Priorities List, the department, agency,

or instrumentality which owns or operates such facility shall, in consultation with the Administrator and appropriate State authorities, commence a remedial investigation and feasibility study for such facility. In the case of any facility which is listed on such list before the date of the enactment of this section, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator and appropriate State authorities, commence such an investigation and study for such facility within one year after such date of enactment. The Administrator and appropriate State authorities shall publish a timetable and deadlines for expeditious completion of such investigation and study.

(2) **COMMENCEMENT OF REMEDIAL ACTION; INTERAGENCY AGREEMENT.**—The Administrator shall review the results of each investigation and study conducted as provided in paragraph (1). Within 180 days thereafter, the head of the department, agency, or instrumentality concerned shall enter into an interagency agreement with the Administrator for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility. Substantial continuous physical onsite remedial action shall be commenced at each facility not later than 15 months after completion of the investigation and study. All such interagency agreements, including review of alternative remedial action plans and selection of remedial action, shall comply with the public participation requirements of section 117.

(3) **COMPLETION OF REMEDIAL ACTIONS.**—Remedial actions at facilities subject to interagency agreements under this section shall be completed as expeditiously as practicable. Each agency shall include in its annual budget submissions to the Congress a review of alternative agency funding which could be used to provide for the costs of remedial action. The budget submission shall also include a statement of the hazard posed by the facility to human health, welfare, and the environment and identify the specific consequences of failure to begin and complete remedial action.

(4) **CONTENTS OF AGREEMENT.**—Each interagency agreement under this subsection shall include, but shall not be limited to, each of the following:

(A) A review of alternative remedial actions and selection of a remedial action by the head of the relevant department, agency, or instrumentality and the Administrator or, if unable to reach agreement on selection of a remedial action, selection by the Administrator.

(B) A schedule for the completion of each such remedial action.

(C) Arrangements for long-term operation and maintenance of the facility.

(5) **ANNUAL REPORT.**—Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual report to the Congress concerning its progress in implementing the requirements of this section. Such reports shall include, but shall not be limited to, each of the following items:

(A) A report on the progress in reaching interagency agreements under this section.

(B) The specific cost estimates and budgetary proposals involved in each interagency agreement.

(C) A brief summary of the public comments regarding each proposed interagency agreement.

(D) A description of the instances in which no agreement was reached.

(E) A report on progress in conducting investigations and studies under paragraph (1).

(F) A report on progress in conducting remedial actions.

(G) A report on progress in conducting remedial action at facilities which are not listed on the National Priorities List.

With respect to instances in which no agreement was reached within the required time period, the department, agency, or instrumentality filing the report under this paragraph shall include in such report an explanation of the reasons why no agreement was reached. The annual report required by this paragraph shall also contain a detailed description on a State-by-State basis of the status of each facility subject to this section, including a description of the hazard presented by each facility, plans and schedules for initiating and completing response action, enforcement status (where appropriate), and an explanation of any postponements or failure to complete response action. Such reports shall also be submitted to the affected States.

(6) **SETTLEMENTS WITH OTHER PARTIES.**—If the Administrator, in consultation with the head of the relevant department, agency, or instrumentality of the United States, determines that remedial investigations and feasibility studies or remedial action will be done properly at the Federal facility by another potentially responsible party within the deadlines provided in paragraphs (1), (2), and (3) of this subsection, the Administrator may enter into an agreement with such party under section 122 (relating to settlements). Following approval by the Attorney General of any such agreement relating to a remedial action, the agreement shall be entered in the appropriate United States district court as a consent decree under section 106 of this Act.

(f) **STATE AND LOCAL PARTICIPATION.**—The Administrator and each department, agency, or instrumentality responsible for compliance with this section shall afford to relevant State and local officials the opportunity to participate in the planning and selection of the remedial action, including but not limited to the review of all applicable data as it becomes available and the development of studies, reports, and action plans. In the case of State officials, the opportunity to participate shall be provided in accordance with section 121.

(g) **TRANSFER OF AUTHORITIES.**—Except for authorities which are delegated by the Administrator to an officer or employee of the Environmental Protection Agency, no authority vested in the Administrator under this section may be transferred, by executive order of the President or otherwise, to any other officer or employee of the United States or to any other person.

(h) PROPERTY TRANSFERRED BY FEDERAL AGENCIES.—

(1) NOTICE.—After the last day of the 6-month period beginning on the effective date of regulations under paragraph (2) of this subsection, whenever any department, agency, or instrumentality of the United States enters into any contract for the sale or other transfer of real property which is owned by the United States and on which any hazardous substance was stored for one year or more, known to have been released, or disposed of, the head of such department, agency, or instrumentality shall include in such contract notice of the type and quantity of such hazardous substance and notice of the time at which such storage, release, or disposal took place, to the extent such information is available on the basis of a complete search of agency files.

(2) FORM OF NOTICE; REGULATIONS.—Notice under this subsection shall be provided in such form and manner as may be provided in regulations promulgated by the Administrator. As promptly as practicable after the enactment of this subsection but not later than 18 months after the date of such enactment, and after consultation with the Administrator of the General Services Administration, the Administrator shall promulgate regulations regarding the notice required to be provided under this subsection.

(3) CONTENTS OF CERTAIN DEEDS.—After the last day of the 6-month period beginning on the effective date of regulations under paragraph (2) of this subsection, in the case of any real property owned by the United States on which any hazardous substance was stored for one year or more, known to have been released, or disposed of, each deed entered into for the transfer of such property by the United States to any other person or entity shall contain—

(A) to the extent such information is available on the basis of a complete search of agency files—

(i) a notice of the type and quantity of such hazardous substances,

(ii) notice of the time at which such storage, release, or disposal took place, and

(iii) a description of the remedial action taken, if any, and

(B) a covenant warranting that—

(i) all remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken before the date of such transfer, and

(ii) any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States.

The requirements of subparagraph (B) shall not apply in any case in which the person or entity to whom the property is transferred is a potentially responsible party with respect to such real property.

(i) OBLIGATIONS UNDER SOLID WASTE DISPOSAL ACT.—Nothing in this section shall affect or impair the obligation of any department, agency, or instrumentality of the United States to comply with any

requirement of the Solid Waste Disposal Act (including corrective action requirements).

(j) NATIONAL SECURITY.—

(1) SITE SPECIFIC PRESIDENTIAL ORDERS.—The President may issue such orders regarding response actions at any specified site or facility of the Department of Energy or the Department of Defense as may be necessary to protect the national security interests of the United States at that site or facility. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this title or under title III of the Superfund Amendments and Reauthorization Act of 1986 with respect to the site or facility concerned. The President shall notify the Congress within 30 days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph for the site or facility concerned. Each such additional exemption shall be for a specified period which may not exceed one year. It is the intention of the Congress that whenever an exemption is issued under this paragraph the response action shall proceed as expeditiously as practicable. The Congress shall be notified periodically of the progress of any response action with respect to which an exemption has been issued under this paragraph. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

(2) CLASSIFIED INFORMATION.—Notwithstanding any other provision of law, all requirements of the Atomic Energy Act and all Executive orders concerning the handling of restricted data and national security information, including "need to know" requirements, shall be applicable to any grant of access to classified information under the provisions of this Act or under title III of the Superfund Amendments and Reauthorization Act of 1986.

SEC. 121. CLEANUP STANDARDS.

(a) SELECTION OF REMEDIAL ACTION.—The President shall select appropriate remedial actions determined to be necessary to be carried out under section 104 or secured under section 106 which are in accordance with this section and, to the extent practicable, the national contingency plan, and which provide for cost-effective response. In evaluating the cost effectiveness of proposed alternative remedial actions, the President shall take into account the total short- and long-term costs of such actions, including the costs of operation and maintenance for the entire period during which such activities will be required.

(b) GENERAL RULES.—(1) Remedial actions in which treatment which permanently and significantly reduces the volume, toxicity or mobility of the hazardous substances, pollutants, and contaminants

ENCLOSURE 2

SUMMARY OF CERCLA SECTION 120 AND EPA REGION 9 POLICY AND REQUIREMENTS

1. Facility must respond to all releases of hazardous substances in a manner consistent with all guidelines, rules, regulations, and criteria established by EPA pursuant to CERCLA, including, but not limited to, CERCLA Sections 104, 105, 106, 107, 113, 117, 120, 121, and the National Contingency Plan (see Enclosures 1, 3, and 4)
2. Facility must submit a preliminary assessment (PA) to EPA and implement that PA (ie; conduct follow-up Site Inspection) within 18 months of enactment of SARA (date of enactment was October 17, 1986, hence date of compliance is April 17, 1988). The PA should be submitted to EPA sufficiently in advance of April, 1988 to allow time for EPA's review and your revision, as needed. Region 9 recommends that all PA's be submitted no later than January 30, 1988.
3. EPA must evaluate and list the facility on the National Priorities List (NPL) within 30 months of enactment of SARA (April 17, 1989). Pursuant to recent EPA guidance (see Selected Guidances #1, Enclosure 4), Federal Agencies and facilities were required to submit sufficient documentation to EPA for Hazard Ranking System (HRS) evaluation by October 15, 1987 if the subject facility was to be considered for NPL inclusion on the basis of the existing HRS. If a facility failed to submit sufficient information for EPA to evaluate the facility under the existing HRS by October 15, 1987, then sufficient information for EPA to evaluate the facility with the revised draft HRS (to be published shortly) must be submitted by April, 1988.

Should your facility be included on the NPL, a Regional Project Manager (RPM) from EPA will work with you to explain additional requirements such as timeframes for initiation of a Remedial Investigation/Feasibility Study (RI/FS), execution of an Interagency Agreement (IAG), and establishment of an administrative record.

4. Facility must coordinate reviews of all documents, including work plans, Quality Assurance Project Plans (QAPPs), sample plans, and draft documents, with relevant EPA, State, and local officials. The Congressional Record indicates that CERCLA Section 120(f) was intended to ensure that EPA, state, and local regulatory officials have the opportunity to review such documents, as well as all data relating to any cleanup, as these documents and data become available.
5. Facility must establish an administrative record containing all information pertinent to the selection of any response action, as required by CERCLA Section 113(k) and as described in Selected Guidances #4 (Enclosure 4).

6. Facility must implement the public participation requirements described in CERCLA Section 117 for all remedial actions. Additional community relations activities should be implemented in accordance with "Community Relations in Superfund: A Handbook," EPA, March 1986, Selected Guidances #8 (Enclosure #4).
7. Pursuant to Section 211 of SARA, each Department of Defense facility shall establish a Technical Review Committee whenever possible and practical.
8. To evaluate the adequacy and appropriateness of all response activities, per 40 CFR Part 300.68(d) and (e), EPA requests that all Federal facilities prepare the following for each distinct RI/FS effort:
 - ° A Work Plan encompassing all phases of any planned RI/FS activities.
 - ° An event-specific Sample Plan to provide specific guidance for all field work (see Selected Guidances #12, #14, and #15, Enclosure 4).
 - ° A project-specific QAPP to assure that the data produced is appropriate, relevant, reproduceable and defensible (see Selected Guidances #12, #13, #16 and #17, Enclosure 4). EPA Region 9 expects that the QAPP will be used to assure that all data generated during the RI/FS will attain analytical support Level III, IV or V, as described in Selected Guidance #12, Enclosure 4).

Specifically, the QAPP must ensure that quality assurance/quality control (QA/QC) protocols utilized will be equivalent to those used by the EPA Contract Lab Program (CLP). Sufficient QA/QC documentation must also be collected and maintained to allow for complete data validation. All raw data, instrument printouts, instrument calibration standards, QC check data, ... must be maintained. It is recommended that Federal agencies develop data validation capabilities and validate all data generated during the RI/FS.

ENCLOSURE 3

PARTIAL DESCRIPTION OF APPLICABLE CERCLA REQUIREMENTS

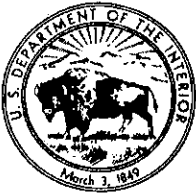
- CERCLA §104: Requires response to all hazardous substance releases as necessary to protect public health or welfare or the environment. All such responses must be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 (NCP).
- CERCLA §105: Requires EPA to develop the NCP, which is EPA's fundamental guidance for responding to releases of hazardous substances. The draft revised NCP, to be released this fall, requires cleanup and remediation activities to meet applicable or relevant and appropriate requirements of Federal and state cleanup standards. The current NCP further states that Federal Agencies (1) should coordinate planning and response action with state and local government and private entities, and (2) rely on other Federal Agencies for the appropriate expertise.
- CERCLA §106: Authorizes response to situations where there is an imminent and substantial endangerment to public health or welfare or to the environment.
- CERCLA §113: Requires compilation of an Administrative Record. All remedial or removal response decisions must be based on material contained in this record.
- CERCLA §117: Describes public participation requirements for selection of any remedial action.
- CERCLA §120: Describes the Federal facility program as mandated by the Superfund Amendments and Reauthorization Act of 1986.
- CERCLA §121: Describes cleanup standards and states the strong preference of Congress for permanent remedial responses, with offsite transport and disposal being the least preferred remedy.
- Executive Order 12580: Delegates portions of CERCLA to various Federal Agencies and Departments.

ENCLOSURE 4

SELECTED EPA GUIDANCES AND DOCUMENTS

1. Pre-Remedial Activities at Federal Facilities, Memorandum, September 8, 1987.
2. Additional Interim Guidance for FY87 Records of Decisions, July 24, 1987.
3. Interim Guidance on Applicable or Relevant and Appropriate Requirements (ARARs), July 9, 1987.
4. Administrative Records for Decisions on Selection of CERCLA Response Actions, May 29, 1987.
5. Interim Guidance on Remedy Selection, December 24, 1986.
6. Superfund Public Health Evaluation Manual, October, 1986.
7. RCRA Groundwater Monitoring Technical Enforcement Guidance Document, September, 1986.
8. Community Relations in Superfund: A Handbook, March 1986.
9. Guidance on Feasibility Studies Conducted Under CERCLA, June, 1985.
10. Guidance on Remedial Investigations Conducted Under CERCLA, May, 1985.
11. Superfund Remedial Design and Remedial Action Guidance, February, 1985.
12. Data Quality Objectives For Remedial Response Activities, March, 1987.
13. Preparation of a U.S. EPA Quality Assurance Project Plan, January, 1986 (supplement to Interim Guidelines..., cited below)
14. Preparation of a U.S. EPA Region 9 PRP Sample Plan, October, 1987.
15. Region IX Example Sample Plan for PRP's, to be available January, 1988.
16. Interim Guidelines and Specifications for Preparing Quality Assurance Project Plans, December 29, 1980.
17. QC/QA Requirements for Reviewing the Data Generated by Responsible Parties, March 1986.

Should you need copies of any of the guidances cited above, please contact your Headquarters or EPA Region 9, Toxics and Waste Management Division, Federal Response Section.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
CALIFORNIA STATE OFFICE
2800 Cottage Way
Sacramento, California 95825

110-509
IN REPLY REFER TO:

1703
CA-932

NOV 27 1987

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

Dear Mr. Wise:

Since our meeting with you on August 30th of this year, I feel we have continued to improve coordination between our agencies regarding EPA's work at the Atlas Mine site. We agreed at that meeting to develop mutually agreed upon procedures to address coordination needed between our agencies between now and when the RI/FS is completed. These goals were reiterated in our September 9th letter to you and in your letter of October 13th to us.

We feel it is now essential to have an agreement between our agencies. We have found from past experience with this issue that both agencies, even with the best of intentions, have difficulty maintaining adequate communication when it occurs on an informal and sporadic basis. Misunderstandings have occurred due to the complexity of the issue, the number of related actions taken by EPA which could affect the BLM, and uncertainties about the responsibilities each agency has in this area. Both of our agencies have important public trust responsibilities and these can be conducted more smoothly and effectively within the context of an agreement.

We recognize EPA's authority, under CERCLA and SARA, to take actions at the Atlas Superfund Site. As land manager for much of the valley, BLM has responsibilities to protect resources and public health under legislative mandates as well as under specific land use plans developed for the area. In summary, the efforts of both agencies would be more productive and more fully coordinated if conducted within an agreement. Progress in these areas would provide a more cooperative framework for discussions at the completion of the RI/FS.

We are unable to enter into a more specific agreement because a legal review of BLM's potential responsibility is being conducted by the DOI Office of the Solicitor and the Department of Justice. BLM is giving high priority to resolving legal questions, but we do not know when this will be completed. Until resolution, however, we cannot enter into any

agreement which assigns liability nor can we commit funds for actions completed or planned by EPA. Therefore, we have not included any issues in this agreement which will ultimately be considered in determining liability. We propose instead to limit this agreement to items that would facilitate interagency coordination for the immediate future.

First, I designate a project manager for BLM who will be the primary contact between the California State Office and Region IX of EPA.

Second, BLM will participate actively in the development and evaluation of alternative remedial actions during the feasibility study. For this purpose, BLM will assign an individual the responsibility for participating on EPA's study team. In support of this participation, EPA will provide BLM with data and models used in the Remedial Investigation upon BLM's request.

Third, BLM will participate in implementing EPA's Community Relations Plan. For this purpose BLM will assign a public affairs specialist to work with EPA's staff in the preparation of fact sheets, in the organization and conduct of agency and public meetings, and in the conduct of related actions.

Fourth, BLM will assist EPA in investigating the identities of potentially responsible parties associated with the Atlas Mine site and EPA will periodically inform the BLM project manager on the progress of this effort.

Fifth, BLM will continue to implement actions to minimize soil erosion and adverse public health impacts in the region of the Atlas Mine site in accordance with the Hollister Resource Management Plan (8/6/84) and the Clear Creek Management Plan (3/19/86). In addition, BLM will proceed to implement, through its normal annual work planning process, the specific measures identified in the attached Appendix.

Sixth, EPA will periodically inform the BLM Project Manager on the progress of the King City Asbestos Company Mine Preliminary Assessment and will provide a listing of additional mine sites in the valley that are of concern to EPA.

As an overall point about the RI/FS activities for the Atlas Mine site, I want to re-emphasize BLM's concern that the evaluation of potential remedial actions should take fully into account the regional setting of this site and the downstream management actions of other government agencies. The wide distribution of asbestos in the soils of this region, the historical and continuing natural erosion in this region, as well as historical mining activities throughout the region are circumstances indicating that an areawide approach to remedial actions will be necessary to protect public health in a cost effective manner. Accordingly, any remedial actions must address the problem on an areawide basis. This approach would involve other concerned government agencies, including the U.S. Bureau of Reclamation, the California Department of Water Resources and the California Regional Water Quality Control Board (Central Valley Region) and would be consistent with the view of these agencies that the asbestos-related problems in the Arroyo Pasajero need to be addressed on a coordinated, areawide basis.

In closing, I request your concurrence on the above proposal. Please return a copy of this letter with your signature. I have designated David Howell, Hollister Area Manager, as the Project Manager for BLM. He will remain in close contact with EPA's Project Manager to coordinate the future actions of our agencies.

If you have any questions about this letter, please contact me. I am optimistic that we can reach agreement on how best to achieve the mutual goals of our agencies with respect to the Atlas Mine site and the broader asbestos-related problems in that area.

Sincerely,



Ed Haste
State Director

1 Enclosure
Appendix (1 p.)

cc:
DM, Bakersfield
AM, Hollister
WO 509, Room 3061, MIB

I concur:

John Wise, Deputy Regional Administrator

APPENDIX

ATLAS ASBESTOS MINE PROPOSED MEASURES

The following measures are proposed for implementation. The primary objective of these measures is to limit public exposure to concentrated airborne asbestos dust in the vicinity of the mine site.

Current Situation - The mine site area is currently closed to off-road-vehicle (ORV) use. There is not public access to the south side of White Creek Road. There are approximately ten standard BLM "closed to off-road-vehicle" signs in the mine site area. There are no signs indicating any health hazard. Numerous fresh vehicle tracks exist throughout the mine site indicating widespread violation of existing ORV restrictions. Where vehicle use has occurred recently, there is a fine powder asbestos dust surface.

Proposed Action - The Proposed Action is to install barriers and increase patrolling activity to make the existing closure against ORV use more effective. The White Creek Road which bisects the site would remain open to vehicle use. Additionally signing would be installed and maintained to assure that all individuals entering the area are aware of the potential health hazards. The following actions are necessary to successfully implement the Proposed Action:

- 1) Construct a fence on both sides of the White Creek Road in areas where there are no physical or vegetative barriers to keep vehicles out of the mine site.
- 2) Install signs in the vicinity of Spanish Lake and at the lower gate on White Creek Road warning visitors of the potential health hazards.
- 3) Install physical barriers and signs explaining closure at approximately 39 vehicle routes which provide access to the mine site (includes helicopter flight to assure that all vehicular access routes are identified).
- 4) Install hazard warning signs every 150 feet around the perimeter of the mine hazard area (approximately 94 signs).
- 5) Increase law enforcement and use monitoring patrols. Patrols would be conducted by BLM Park Rangers.
- 6) Deny any Special Recreation Permit applications for events that transect this area.
- 7) Maintain signs and fences on an ongoing basis.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street
San Francisco, Ca. 94105

13 October 1987

To	Initial	Date
SD	ee	
ASD	TZH	
ADMIN		
RES		
OPER		
PA		
Minerals		
EEO		

*Res- After
you & Executive
Have discussed
this - let's discuss
in person Dave -
Ed*

Action by 3
Surname by _____
Return to _____

10/30
11/9

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

Re: Atlas Asbestos Mine Site
Property Owned by Bureau of Land Management
Coalinga, California

Dear Mr. Hastey:

I would like to express my appreciation for you and your staff taking the time to meet with John Wise and EPA staff on August 31. The meeting was very informative for both BLM and EPA.

As we discussed, the Atlas Asbestos Mine (located near Coalinga, California) has been designated as a Superfund site by the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et. seq. (CERCLA). This letter informs you about the Superfund process in general, EPA's actions at the Atlas Asbestos mine, and BLM's status as a responsible party.

Once an area is designated a Superfund site, the following process is implemented. First, the site is thoroughly investigated in order to quantify the amount of hazardous material at the site and to quantify the risk that the material poses to the community. Activities which eliminate or minimize the risk will also be identified at that time. This activity is called the Remedial Investigation/Feasibility Study (RI/FS). After the RI/FS is completed, EPA will decide which cleanup remedy is needed. Once the cleanup remedy has been chosen, it is designed and implemented. The entire process may take several years, so if an immediate health threat is discovered, emergency response actions can also be taken to eliminate or minimize the threat.

ATTACHMENT 6-1

EPA is currently conducting the RI/FS at the Atlas Asbestos site pursuant to Section 104 of CERCLA, and will continue such activities unless we determine that a responsible party will properly conduct the study in a manner consistent with the National Contingency Plan (Title 40, Code of Federal Regulations, Part 300) and EPA's RI/FS guidances.

Responsible parties under CERCLA include current and past land owners and operators, as well as persons who generate the hazardous substances or were involved in their transport, treatment, or disposal. Based on public records concerning ownership of the site, EPA believes that BLM may be a responsible party. More specifically, these records show that the Bureau of Land Management owns the Atlas Asbestos site.

Under Section 106(a) and 107(a) of CERCLA, responsible parties may be required to implement any needed response to a release or threatened release of a hazardous substance to the environment, and be may liable for expenditures for investigation, planning, cleanup of the site, and enforcement. With the reauthorization and amendment of CERCLA on October 17, 1986, these requirements have taken on new significance. For the first time, it is explicitly clear that Federal Agencies are required to implement CERCLA programs at all NPL sites in a manner consistent with all EPA guidelines, rules, regulations and criteria (see CERCLA Section 120). By this letter, EPA notifies BLM of potential liability with regard to this matter and encourages BLM to assist EPA in undertaking the RI/FS and prepare for undertaking cleanup activities which will be overseen by EPA.

EPA has determined that a release of hazardous substances, as defined by Section 101(14) of CERCLA, has occurred at the Atlas facility. At the present time, asbestos, chromium, and other metals have been found in soil, air and surface water samples at the site. The site has been identified as a probable source of waterborne asbestos in the California Aqueduct and as a source of ambient asbestos in air samples taken near the site and in the town of Coalinga. As a result of such contamination, users of surface waters of Los Gatos Creek, California Aqueduct users, residents of Coalinga, Huron and Avenol and wildlife in the area may potentially be exposed to the contaminants in levels harmful to human health or the environment. In addition, the potential exists for

direct public exposure to highly contaminated soils and/or surface waters in unsecured areas of the site.

EPA is now considering further response actions in the area. This letter invites BLM to participate in these activities by assisting EPA. Studies which must be conducted to address the situation at the Atlas Asbestos site include:

1. Further investigations to identify the local meteorological and geological characteristics and to define the nature and extent of soil, air and surface water contamination at the site; and,
2. Feasibility studies to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site.

During and/or after completion of the above studies, BLM may be asked to undertake, or may be liable for, implementation of corrective measures necessary to protect the public health, welfare, or the environment. Such measures may include, but are not limited to:

1. Diverting streams around the mining overburden and tailings piles to reduce erosion;
2. Designing and implementing the EPA-approved final remedy; and
3. Providing any monitoring and maintenance necessary after remedial measures are completed.

In addition, EPA would like to discuss having BLM implement interim corrective measures to secure the site in order to prevent any contact with any hazardous substances that may be present at the site. Specifically, EPA would like BLM to install at least a 6-foot high locked pipe panel gate across all access roads, set deep in concrete during November, 1987. To further reduce the potential for unauthorized people to gain access to the site, signs should be posted on the road leading to the site that give a warning of the asbestos waste per EPA's specifications. These signs should be at least 4 by 3 feet in size and should be in English and Spanish.

As we discussed, EPA would like to meet regarding these issues with you or your staff so that EPA and BLM can have a mutual understanding of how BLM will participate in future investigations and cleanup activities. A commitment to remain consistent with EPA RI/FS guidances and policies must be made through an interagency agreement. To that end, my staff will be sending you a draft interagency agreement in October.

We would appreciate a response, in writing, within 20 calendar days from receipt of this letter, indicating BLM's willingness to participate in the RI/FS. EPA may later invite BLM to undertake the design and implementation of the selected remedy upon our completion of the RI/FS.

In your letter, please indicate the appropriate BLM Project Manager name, address, and telephone number for further contact. Your letter should be sent to:

Jennifer Decker
Toxics and Waste Management Division
Mail Code T-4-3
U.S. EPA, Region 9
215 Fremont Street
San Francisco, CA 94105

In addition to this notification, EPA would like to obtain certain information from you to assist us in the RI/FS. We are interested in any information that you have on the following:

1. The total volume of asbestos, in cubic meters, and the methods used to generate, store, treat, dispose of, or otherwise handle the asbestos, and when and where this activity occurred. Please describe locations as precisely as possible; e.g., for on-site activities, specify where on the site the activity took place. This information should include, but not be limited to, information pertaining to ponds, tanks or other units which were historically used to store or dispose of hazardous substances but which no longer exist, and information, including correspondence between BLM, the Atlas Asbestos Company or other parties, pertaining to any wastes which were or are now being discharged from the mine facility into a pond or other areas within the adjacent property.

2. Any photographs, maps, or diagrams, regardless of their date, which are in the possession of BLM or any of its divisions or contractors, which show the mine facility, adjacent areas of the neighboring mill, drainage patterns, or areas on which hazardous substances have been or may be located including transportation to off-site areas.
3. The identity of any other person or persons, as defined in CERCLA Section 101(21), who you believe may have any information, documents, or other materials addressed in the preceding three paragraphs, and a brief description of the information you believe they may have.

In responding to the above request, please describe the types of records that were maintained by BLM, including the date of the records, the author of the records, the current location of the records, and the current custodian and all efforts that were taken to identify these records. If, in responding to the above request, information was obtained through employee interviews, indicate so in your letter and provide the names of the employees interviewed. We would appreciate receiving your response to this request for additional information as soon as possible, but within 30 days would be very helpful to us.

We look forward to working closely with the BLM staff in the future. Should you have any questions regarding the site or this letter, please feel free to contact Jennifer Decker, the Remedial Project Manager, at (415) 974-8161 or myself at (415) 974-7460.

Sincerely,



Jeff Zelikson
Acting Director
Toxics & Waste Management Division

cc: John Wise, Deputy Regional Administrator
Jon Wactor, Office of Regional Counsel, EPA Region 9
Jennifer Decker, Remedial Project Manager, EPA Region 9
Director, Office of Waste Programs Enforcement, EPA
Jeanine Jones, California Department of Health Services
Gary Carozza, Fresno County Health Department/APCD
Lonnie Wass, Regional Water Quality Control Board