~~WO (707), Rm 3524, MIB~~
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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
CALIFORNIA STATE OFFICE
2800 COTTAGE WAY, ROOM E-2845
SACRAMENTO, CALIFORNIA 95825-1889

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

APR 22 1991

1703
CA-932.7

William J. Klauberg
President
Vinnell Mining & Minerals Corporation
10530 Rosehaven Street, Suite 600
Fairfax, VA 22030

Richard E. Blubaugh
Vice President, Regulatory &
Environmental Affairs
Atlas Corporation
370 17th Street, Suite 3150
Denver, CO 80202

Dear Messrs. Klauberg and Blubaugh:

This letter responds to your letter of April 10, 1991, in which you outline a counterproposal to the site remediation efforts we proposed in our March 28, 1991, letter to you and discussed with you in our meeting on April 1, 1991. Like both of you, we welcomed the opportunity to discuss with you the technical aspects of accomplishing the tasks set forth in the Environmental Protection Agency's (EPA) Record of Decision (ROD) for the Atlas Mine Site Operable Unit (OU). We were hopeful some consensus could be reached on responsibilities for the major remediation requirements addressed in EPA's ROD.

We regret you are disappointed with our proposed remedial activities at the Atlas Mine Site OU. The tasks BLM has proposed to assume at this site mandate a significant long-term commitment of resources both in terms of dollars and manpower. That aside, as we have discussed with you on several occasions, our primary interest at the Atlas Site has always been to ensure the site is reclaimed consistent with existing mining laws.

Although some of these mining laws may not have been enacted during the years that Atlas, Vinnell and the other mining claimants pursued mining and milling interests at this site, we nevertheless believe that these laws require an acceptable level of site reclamation consistent with sound business judgment. If such judgment and responsibility had been exercised in this case by the mining claimants, the Atlas Mine may well have avoided inclusion on the EPA's National Priority List (NPL).

Inclusion of the Atlas Mine on the NPL has now mandated a higher level of reclamation activities at the site. It remains our belief that Atlas and Vinnell should bear the primary responsibility for the costs associated with this remediation process. The United States had virtually no control over the mining and milling activities conducted by the mining claimants at this site, nor did it derive any benefit from these operations. Therefore, the United States should not now be required to pay for these damages caused by the mining claimants. Our role should be focused on assisting the truly responsible parties at the Atlas Site in accomplishing remediation of this site.

We urge you to reconsider the good faith position which we outlined for you in our March 28, 1991, letter as well as in our meeting with you on April 1, 1991. As the administrators of the public land upon which a significant portion of the Atlas Mine OU is located, we are most interested in involving ourselves in reclamation of this site. However, we believe this level of involvement, consistent with our continued physical presence at the site, should be focused primarily on oversight of the remedial actions implemented primarily by yourselves.

We hope you do not perceive this letter as a sign of our unwillingness to further discuss with you development of a proposed action plan for implementing the Atlas Mine OU ROD. It is our intention to remain involved in this remediation process consistent with and to the extent outlined in this letter and in our previous correspondence and discussions with you.

A copy of the notes from April 1st discussion is attached. If you have any corrections to suggest please contact Dick Johnson at (916) 978-4725.

Sincerely,

Ed Hastey
State Director

1 Enclosure
Encl 1 - April 1 Meeting Notes

bcc:
DM, Bakersfield
AM, Hollister
WO (100), Room 5660, MIB
WO (700), Room 5617, MIB
WO (707), Room 3529, MIB
Regional Solicitor (Berger)

ATLAS ASBESTOS MINE MEETING
SACRAMENTO, CALIFORNIA
APRIL 1, 1991

MEETING ATTENDEES: WILLIAM KLAUBERG, RICHARD BLUBAUGH, PHIL FITZWATER, ED HASTEY, RICHARD JOHNSON, BOB BEEHLER AND RICHARD FORESTER

The meeting began at noon with opening comments from Mr. Richard Johnson and Mr. Ed Hastey on the Bureau's position. They mentioned recent draft instructions from the Washington Office on Consent Orders and Interagency Agreements regarding hazardous materials sites, including NPL sites. The Assistant Secretary, Policy, Management and Budget, Department of the Interior, has the approval authority for agreements between BLM and potentially responsible parties.
Mr. William Klauberg requested that Mr. Johnson review BLM's March 28th letter on an issue-by-issue basis.

ISSUE 1 - FENCING

* Reviewed the present fencing effectiveness.

* Discussed EPA's fencing request.

* BLM believes the existing fence is adequate. Atlas and Vinnel representatives agreed. There was additional discussion on the need for more fencing and how much it may cost. It was suggested that no additional fencing be erected unless future monitoring indicates the need. Will more signs be needed?

* Letter to EPA should mention the current fencing is controlling unauthorized access.

* It was suggested that other types of access control structures be examined i.e. beams, pipe gates,etc.

ISSUE 2 - ROAD PAVING

* EPA requests the portion of road crossing the mine site be paved.

* BLM and the other PRPs agreed that other methods of dust control be used such as commercial dust suppressants or oiling.

* The PRPs should provide EPA an estimate of road usage and recommend other alternatives to paving

ISSUE 3 - SEDIMENT CATCHMENT BASINS AND STREAM DIVERSION CONSTRUCTION

* EPA should provide a better description of the objectives for sediment basins and stream diversion activities. Engineering and design costs vary with the magnitude of the construction. 100 % control of asbestos sediment originating from the mine is impractical.

* BLM has Best Management Practices for a variety of project types. BLM will send a copy of these BMPs to Atlas and Vinnell.

* EPA requests monitoring and sampling on water and sediment. The objectives are not spelled out.

* All engineering and design plans should be reviewed by all PRPs.

ISSUE 4 - REVEGETATION PILOT PROJECT

* Top soil from outside the mine site area should not be brought in.

* Native plant species should be used.

* Artificial environments should not be created.

* Applying topsoil, water and other additives (fertilizers) would be very expensive and impractical.

* The availability of native seeds could be a problem. If the seeds would have to be collected from the site area, it would be costly.

* EPA should provide more guidance on this issue.

* It was suggested that BLM develop a long term program for the entire area instead of the pilot study.

* Who pays for the long term program? Atlas and Vinnel think BLM should assume these costs as part of its normal practices.

* The question of who would pay for the increased health monitoring and protection was not addressed.

ISSUE 5 - DISMANTLING AND DISPOSAL OF MILLSITE STRUCTURES

* This is a non-BLM issue.

ISSUE 6 - DEED RESTRICTION

* This is a non-BLM issue.

ISSUE 7 - IMPLEMENTATION OF AN OPERATION AND MAINTENANCE PROGRAM

* Does this include the O&M costs for any new fencing or barriers?

* BLM would be willing to consider inspecting the soundness of retention basins and stream diversions.

* Sediment removal would be once a year at a cost of about $25,000 per year. Access to the facilities may be difficult.

* Atlas and Vinnell recommend that no additional asbestos sampling be done.

* Efforts should be directed to sediment control.

* BLM suggested Atlas and Vinnell put up a bond for any construction failures over the 30 year life of the project. Atlas and Vinnell would consider a 3 - 5 year bond, but said it would cost too much after that time period.

WRAP UP

* Will wait for the ROD Decision Letter.

* Atlas and Vinnell would like to meet with EPA the 3rd or 4th week of April.

* General agreement on what needs to be done , but no agreement on who pays for what.

* Atlas and Vinnell still have some concerns on Issues 2,3 and 7.

* Atlas and Vinnell suggested that BLM develop a maximum dollar figure that they would spend each year after which they would not accept any additional costs.

* BLM would have a great deal of difficulty doing maintenance on the sediment basins. Removal and disposal activities would need to be contracted out because BLM does not have any equipment.

* Atlas and Vinnell will develop some basic design ideas on sediment loading and removal for the mine site.

* Atlas and Vinnell believe that BLM should handle the site O&M responsibilities after construction activities have ended.

* BLM suggested Atlas and Vinnell provide the funds for remediating the mine site and BLM accomplish the work.

* BLM should actively look into developing an areawide vegetation plan for the entire area.

* Atlas and Vinnell will look into the design and construction of the sediment basins and stream diversions and BLM will look into the revegetation needs and costs.

The meeting ended at 3:00 o'clock p.m.