



United States Department of the Interior

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

WD-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.

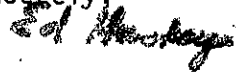
Sixth, EPA will periodically inform the BLM Project Manager on the progress of the King City Asbestos Company Mine Preliminary Assessment and will provide a listing of additional mine sites in the valley that are of concern to EPA.

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
WQ 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.