

## Memorandum

To: State Director, California

From: Director, Bureau of Land Management

Subject: Atlas Asbestos Mine -- Response to Environmental Protection Agency Letter

After the review of the October 13, 1987, letter to you from Jeff Zelikson of Environmental Protection Agency Region IX, on the Atlas Mine Site, we have been asked by the Solicitor's staff to withhold any action but an acknowledgment of the letter, pending review and advice by the Department of Justice and development of appropriate legal, program, and budgetary strategies. ~~for compliance.~~

The case has a number of implications and aspects that should be thoroughly explored before any agreement is considered. These include issues such as: practical limits of the site; natural limits of the site impacts; mixed Superfund/Federal Facility funding; extent of Bureau of Land Management liability on mining claims; limits of liability for naturally occurring substances; obtaining full funding for action under new national fiscal policies, precedents for future hazardous substance release site liabilities in California, Bureauwide and on other agencies, efficacy of BLM interim responses, and many others.

I ask that no further action, except acknowledgment of the letter, be undertaken until these issues can be understood and we have advice of Office of the Solicitor and Department of Justice, and the Bureau has formulated approaches that will resolve these questions, in negotiations.

## cc:

500, 509 RF, SD-California, CASAS 930, 500 RF, 509 RF, 680, PSW, Region SOL;  
Sacramento-Jahms, 880, SOL-Clark, SOL-Brown  
B. Hyde:js:10/26/87:343-5517:[D-0018H]