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Memorandum

To: State Director

From: Deputy State Director, Lands & Renewable Resources

Subject: Meeting with PRPs on the Atlas Superfund Site

Temi Berger, Regional Solicitor's Office, and I met with some of the potential responsible parties (PRPs) to the Atlas Mine site in San Francisco on Wednesday, February 28. Richard Mays, Pettit and Martin, Attorneys for Vinnell Mining and Minerals Corporation called the meeting. Also in attendance were legal representatives for Atlas Corporation and for Union Carbide. A full attendance list is attached.

The stated purpose of the meeting was for the PRPs to discuss the allocation of responsibilities and resources in addressing EPA's RI/FS and remediation plan when it is released. It appeared to Temi and me that the real objective was to see if BLM was willing to commit to assuming some responsibilities for the potential remediation of the Atlas site. Mays repeated what he said to us last month, when he met with us here in Sacramento: that Vinnell believes BLM to be a full partner and a "major player" at Atlas; that the legislation is clear that the landowner (BLM) is responsible. Both Temi and I repeated our position, that we are not responsible parties in the same context that are Vinnell and Atlas. Mays also said that they had met with EPA as recently as last week, and that both Vinnell and Atlas had access to the RI/FS and were aware of the details of EPA's draft remediation plan. Both Fitzwater (Vinnell consultant) and Robinson (Atlas consultant) spoke to the deficiencies in EPA's RI/FS, principally flaws in the models EPA used for air and water transport of asbestos. These are arguments we have previously heard at a meeting you and I attended in San Francisco months ago, when Levine-Frickey explained their analysis of EPA's modeling.

Mays talked about the two companies possibly talking with EPA to work out an accommodation on remediation. Mays made it perfectly clear that Vinnell would not hesitate to sue the Bureau if we did not join in on the remediation.

Deborah Livornese, Union Carbide Attorney, said she was there to get information to help her client determine whether or not they would take on any responsibilities at Atlas.

When it became readily apparent that BLM was not going to offer up any more resources than it already has for remediation, Mays concluded the meeting. It appeared Vinnell and Atlas were going to discuss the allocation of tasks and develop a strategy for action, after we had left.

Temi and I later discussed the need to develop an analysis and action strategy for discussion with you. We will work on it over the next few weeks and have some draft ideas ready for you prior to our meeting with EPA on March 15.

/s/ RICHARD F. JOHNSON

Attachment
As stated

cc: DM, Bakersfield
AM, Hollister
WO (707), Room 3520, MIB
Branch of Biological Resources
Regional Solicitor's Office (Berger)

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