

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-Jahns, 880, SOL-Clark, SOL-Brown
B. Hyde: js:10/26/87:343-5517:[D-0018H]

Memorandum

To: State Director, California

From: Director

Subject: Designation of BLM as Responsible Party for the Atlas Asbestos National Priority List Site

In August, the State Office informed WO that you would be meeting with EPA Region 9 regarding potential designation of the Bureau as the Responsible Party for the Atlas Asbestos Mine National Priority List (NPL) site, near Coalinga, CA.

As a result, WO Hazardous Materials Staff consulted with the Department of Justice Environmental Defense Section on the case. They are quite willing to assist the Bureau to limit the costs to those problems for which the Bureau has actual liability. They would like a copy or other any letters, memos or written material on the designation, provided to you by EPA, as well as a copy of your meeting report.

Because the potential scale of the costs associated with this NPL site can be in the tens of millions of dollars, we are concerned that we begin quickly to develop the legal, public affairs and funding strategies that will be needed to deal with the Atlas site.

If you wish the Hazardous Materials Staff will work with your staff to pull together a conference to help develop such strategies. This should probably include at least WO Budget and External Affairs, and the Department of Justice, as well as Regional Solicitors Office and Field Staff. This meeting can help to identify and plan State Office and other Bureau roles and activities now required under the Superfund Amendments and Reauthorization Act of 1986.

If you have questions on this please contact Bernie Hyde at FTS 343-5517.

cc:
500, 509 RF, B. Hyde
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