



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105-3901**

May 13, 2010

Mr. Anthony R. Brown
Environmental Manager
Atlantic Richfield Company
4 Centerpointe Drive, LPR 4-435
La Palma, CA 90623-1066

Approval With Comments and Direction to Implement 2009 Draft Program Work Plan and Addendum for Remedial Investigation and Feasibility Study at Leviathan Mine Site, Alpine County, California, November, 2009

Dear Mr. Brown:

We have reviewed the 2009 Draft Program Work Plan and Addendum for Remedial Investigation and Feasibility Study at Leviathan Mine Site submitted by Atlantic Richfield on July 10, 2009, as revised by the Addendum #1 submitted on November 16, 2009. The Work Plan submittal is pursuant to Administrative Order for Remedial Investigation and Feasibility Study, Leviathan Mine, Alpine County, California, CERCLA Docket No. 2008-18. (Administrative Order), dated June 23, 2008, and is subsequent to EPA's February 25, 2010, Approval with Comments for Leviathan Mine Data Quality Objectives Report submitted October 2008, and Direction to Prepare Remedial Investigation and Feasibility Study Work Plan pursuant to Administrative Order for Remedial Investigation and Feasibility Study, Leviathan Mine, Alpine County, California, CERCLA Docket No. 2008-18. This submittal is one of the first of a sequence of plans that for implementation of the Scope of Work for a Remedial Investigation/ Feasibility Study (RI/FS) for a long term remedy for the Leviathan Mine Superfund Site as required by the Administrative Order.

In our February 25, 2010, letter to Atlantic Richfield, EPA explained that the example DQOs provided in the Addendum lacked critical information to guide the RI activities at Leviathan Mine. EPA has produced the enclosed DQOs for the programmatic level summarizing available information, identify decisions, and provide limits on the acceptable errors for these decisions.

Also in EPA's February 2010 letter we provided comments on the PWP that we received from Washoe Tribe of Nevada and California, Lahontan Regional Water Quality Control Board and US Fish and Wildlife Service, stakeholders with particular technical expertise. Many of the principal comments from the stakeholders have been incorporated into EPA's comments, but many others are more appropriately addressed in the subsequent Focused Feasibility Study Work plans to be produced by Atlantic Richfield.

Pursuant to Paragraph 73 of the Administrative Order, EPA approves the July 2009 Program Work Plan incorporating the November 2009 Addendum and the May 2010 DQO document attached.

With this approval notification, EPA directs Atlantic Richfield to implement the 2009 Program Work Plan for RI/Fs at Leviathan Mine. If you have any questions, please feel free to contact me at (415) 972-3176.

Sincerely,

A handwritten signature in blue ink that reads "Kevin P. Mayer". The signature is written in a cursive style with a large, sweeping "M" at the end.

Kevin Mayer
Superfund Project Manager

cc: Lynelle Hartway, Washoe Tribe of Nevada and California
Chein Kao, Lahontan Regional Water Quality Control Board
Ken Maas, US Forest Service
Adam Cohen, Davis Graham & Stubbs LLP

Attachments: Programmatic Data Quality Objectives for Leviathan Mine, prepared by Burleson Consulting, Inc, with Figures 1 through 25 attached.