



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

February 26, 2009

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

Schedule for EPA Comments on 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:

This letter provides a written explanation of EPA's approach and schedule for providing comments and direction to proceed on the 2009 Draft Program Work Plan (PWP) for the Remedial Investigation/ Feasibility Study (RI/FS) at the Leviathan Mine Superfund Site (Site) submitted by Atlantic Richfield Company on July 10, 2009, as revised by the Addendum #1 submitted on November 16, 2009. We have reviewed the PWP and Addendum and have considered comments we have received from stakeholders on the PWP. EPA will prepare detailed comments as we describe below, and provide them to Atlantic Richfield in early to mid-April. With these comments we expect to allow the RI/FS planning to proceed. EPA understands that Atlantic Richfield has been preparing detailed plans for RI activities that could take place in the 2010 field season. We are willing to provide opportunities for informal discussions of EPA comments on the PWP to facilitate plans for 2010.

Atlantic Richfield submitted the PWP and the Addendum pursuant to an order and two subsequent directives issued by EPA, namely:

Administrative Order for Remedial Investigation and Feasibility Study, Leviathan Mine, Alpine County, California, CERCLA Docket No. 2008-18 ("Order"), dated June 23, 2008;

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, dated April 23; and

Comments on 2009 Draft Program Work Plan for Remedial Investigation and Feasibility Study at Leviathan Mine Site, Alpine County California, dated October 15, 2009.

The PWP is intended to provide a programmatic overview of a sequence of work plans for focused RIs (FRIs) to implement the RI/FS Scope of Work for a long term remedy at the Site. EPA's October 15 letter, pursuant to Paragraph 51 of the Order, required certain revisions to the PWP. The Addendum fully addressed three of the four major concerns that EPA identified in the October 15 letter:

Tables 1 and 2 provide the cross-reference between the RI/FS components presented in the PWP and the corresponding sections of the Scope of Work included in the Order, and should contribute to a clearer understanding of the intent and general integration of the components of the RI.

Table 3 addresses EPA's request in the October 15th letter to provide a cross reference from existing information to the FRIs that this information may support.

The schedule provided with the Addendum shows a reasonable projection for the RI/FS based on the current planning status and should be viewed as subject to change as discussed in the Addendum transmittal letter.

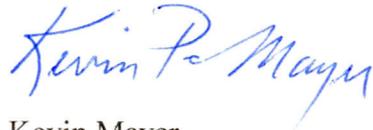
EPA also directed Atlantic Richfield to explain with sufficient detail how the various FRI components are prioritized and designed to address the fundamental issues of the RI/FS. The Addendum addressed this with two example draft Data Quality Objectives (DQOs) for the Reference Site RI Work Plan and the On-Property RI Work Plan. We understand that Atlantic Richfield intends the PWP to be a fairly general roadmap for the RI/FS and to defer most of the details to subsequent FRI work plans. However the example DQOs provided in the Addendum lack critical information to guide the RI activities at Leviathan Mine. EPA had expected that the DQOs at both the programmatic level and at the focused work plan levels should summarize available information, identify decisions, and provide limits on the acceptable errors for these decisions. The DQOs provided in the Addendum refer to other documents for much of this content, and we seek to have appropriate detail at each level of planning and assessment documents sufficient to identify and support the DQOs for that work plan.

As we have discussed in our conversations on February 19 and 22, EPA has determined that the clearest and most expeditious approach for producing acceptable programmatic DQOs is to have EPA prepare them and include these DQOs as comments in our direction to proceed with the RI/FS process. The Order provides for this resolution in Paragraph 52. EPA's formal comments should be transmitted by mid-April.

With this letter EPA is attaching three sets of comments on the PWP that we received from several stakeholders with particular technical expertise. Many of the principal comments from the stakeholders will be incorporated into EPA's comments. One of the major themes of both EPA and stakeholder reviews is the need to identify and consider existing information. Other stakeholder comments provide valuable insights and perspectives that will be important to consider during the RI/FS process.

If you have any questions, please feel free to contact me at (415) 972-3176.

Sincerely,



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: Comments from Washoe Tribe of Nevada and California, Lahontan Regional Water Quality Control Board and US Fish and Wildlife Service