

**TECHNICAL ASSISTANCE PLAN**

**YERINGTON MINE SITE**

**November 24, 2008**

**PREPARED FOR:**

**Atlantic Richfield Company**

4 CENTERPOINTE AVENUE  
LA PALMA, CALIFORNIA 90623

**PREPARED BY:**

**BROWN AND  
CALDWELL**

3264 Goni Rd, Suite 153  
Carson City, Nevada 89706  
(775) 883-4118

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## SECTION 1.0 INTRODUCTION

This Technical Assistance Plan (TAP) is a requirement of the Administrative Settlement Agreement for Response Costs (“Settlement Agreement”) for the Yerington Mine Site (Site) located in Lyon County, Nevada. The Settlement Agreement was entered into by the U.S. Environmental Protection Agency – Region 9 (EPA) and the Atlantic Richfield Company (ARC) effective on June 12, 2008 (EPA, 2008). Pursuant to the Settlement Agreement and the existing Community Relations Plan for the Site (Brown and Caldwell 2002), the TAP is intended to help facilitate meaningful public participation during the RI/FS process for the Site. EPA and ARC recognize that meaningful public involvement depends on public understanding of the investigation process and its technical findings.

The goal of the TAP is to describe the process whereby EPA and ARC will solicit, select, fund, and monitor a qualified community group that will use technical advisors to assist in the understanding and interpretation of Site investigation and feasibility study findings. Investigation findings and feasibility studies include, but are not necessarily limited to: 1) technical data associated with the air quality monitoring program, background and Site soils, and groundwater associated with the Site; 2) human health and ecological risk assessments based on the technical data and related standard methods and assumptions; and 3) potential remedial options for the operable units identified at the Site (described below in Section 1.1). Communication of this type of information will provide the basis for the community group’s input into the RI/FS process, particularly the selection of a remedy for the Site.

### **1.1 Site Location and Background**

The Site is located west and northwest of the City of Yerington, in Lyon County, Nevada (Figure 1-1), and is within the Mason Valley portion of the Walker River watershed. Agriculture is the principal economic activity in Mason Valley, typically hay and grain farming, onion production

and some beef and dairy cattle ranches. Irrigation water is provided by surface water diversions from the Walker River and from pumped groundwater. The Paiute Tribe Indian Reservation is located approximately 2.5 miles north of the Site.

The Site is located in a high desert environment characterized by an arid climate. Monthly average temperatures range from 33.3° F in December to 73.7° F in July. Annual average rainfall for the City of Yerington is 5.3 inches per year (lowest rainfall occurring between July and September; WRCC, 2007). Meteorological data indicate that the dominant wind directions are to the north and the northeast (Brown and Caldwell, 2008).

Mining, milling, and leaching operations for oxide and sulfide copper ores were conducted at the Site between 1953 and 1978 by ARC's predecessor, The Anaconda Company. Spent ore was deposited in tailings piles, and residual solutions were conveyed to evaporation ponds. In 1989, Arimetco, Inc. initiated leaching operations and constructed an electro-winning plant at the Site for the handling and leaching of new ore from the MacArthur Mine and previously leached Site materials. Arimetco ceased mining new ore and leaching operations in November 1998, continued to recover copper until November 1999, and subsequently filed for bankruptcy. Site operations currently include the management of Arimetco heap solutions and the groundwater pumpback and evaporation system installed by ARC in 1986, and Site security. Additional current activities include Site investigations and other response actions conducted by EPA and ARC. Per the Scope of Work (SOW) attached to the January 2007 RI/FS Order, the following eight operable units (OUs) have been designated for the purposes of the RI/FS (Figure 1-2):

- Site-Wide Groundwater (OU-1)
- Pit Lake (OU-2)
- Process Areas (OU-3)
- Evaporation Ponds and Sulfide Tailings (OU-4)
- Waste Rock Areas (OU-5)
- Oxide Tailings Areas (OU-6)
- Wabuska Drain (OU-7)
- Arimetco Facilities (OU-8)

## 1.2 Regulatory Requirements

The need for the TAP, as well as a community relations plan is described in the January 2007 Order (Section 26, sub-section d) and in the Settlement Agreement. This TAP, which complies with 40 CFR §35.4020 and is consistent with the 40 CFR Part 35 Subpart M regulations, is designed to meet these requirements including the following:

- Select a qualified community group from among interested local parties for direct participation in technical document review and communication of technical information in an intelligible form to the group and local community.
- Make available up to \$50,000 in funding to a qualified community group to carry out this technical review and public communication.
- Develop with the selected community group an agreed scope of work, project schedule, budget, and criteria for selecting any external technical advisor.
- Allocate the funding to cover the entire RI/FS implementation and other work under the January 2007 Order, including the development of remedial action plans at the Site.
- Monitor and oversee the technical and financial performance of the selected community group to ensure productive and effective use of funds for the program duration.

## 1.3 TAP Organization

The remaining sections of this TAP are organized as follows: Section 2.0 describes the selection criteria for the community group to ensure that it meets applicable requirements and will make effective use of available financial assistance, and describes restrictions on the use of the funds. Section 3.0 summarizes management considerations for the implementation of the TAP, as well as technical and budget performance reporting requirements. Section 4.0 lists the references cited in this TAP.

## SECTION 2.0

### APPLICANT SELECTION PROCESS

The core element of TAP implementation is the involvement of a qualified community group that broadly represents, and can articulate, the interests and concerns of the local community (e.g., the City of Yerington, the community of Weed Heights and other local residents in Lyon County). The successful group must be capable of effectively communicating technical results from Site investigations and studies to its members, and to the local community at large, using technical advisors as necessary (existing advisors and/or advisors to be retained using TAP funding). The eligibility requirements and selection process for community groups that may qualify for TAP funding, and related information, are described below. An example of an application form, provided by EPA, is attached to this TAP as Appendix A. If more than one qualified community group expresses interest in developing a technical assistance program, EPA and ARC may encourage the interested groups to form one coalition to submit a single application.

#### 2.1 Eligibility Requirements

Requirements for TAP group eligibility are established in 40 CFR §35.4020, and include the following criteria:

- The group must be composed of community members who may be affected (i.e., subject to an actual or potential health, economic or environmental threat) by releases or possible releases at the Site.
- The group meets the minimum administrative and management capability requirements found in 40 CFR §30.21 by demonstrating existing, or soon-to-be-implemented, and reliable procedures for record keeping and financial accountability related to managing fund monies (these procedures must be in place before the group incurs any expenses).

A community group is considered ineligible for participation in the TAP if the group is:

- A Potentially Responsible Party (PRP) with respect to the Site, receives money or services from a PRP, or represents a PRP.
- Affiliated with a national organization, or is an academic institution.

- A political subdivision (for example, township or municipality).
- Established or presently sustained by any of the ineligible entities described above, or if any of these ineligible entities are represented in the group.
- A tribal government.

## 2.2 Application by Community Groups

EPA and ARC will announce the opportunity for community groups to apply for the TAP funding by placing a display ad in the Mason Valley News and the EPA website for the Site (<http://www.epa.gov/region09/anaconda>). As appropriate, in order to reach interested community members, EPA and ARC will also consider direct mailings to the community mailing list. Eligibility requirements for applicants and performance expectations for the selected group, as described above, will be included in the announcement. Currently, there is no specific target date for the published announcement or the selection of an eligible community group.

Following the announcement of the availability of the TAP, interested community groups will submit a Letter of Intent to EPA. EPA will then run a public notice announcing the group's interest and starting a 30-day time frame by which other interested groups may apply. If multiple community groups appear interested, EPA and ARC may encourage them to form a single coalition with a single application for TAP funding. TAP applications may then be submitted to EPA. Application guidelines are presented in §35.4130, §35.4135, and §35.4140, and at the "Frequently Asked Questions" portion of the EPA website for technical assistance funding (<http://www.epa.gov/superfund/tools/tag/faqs.htm>). Applicants will also be required to certify that they meet the eligibility requirements for TAP participation.

Upon receipt of the applications, EPA and ARC will evaluate proposals for completeness, contact applicants as needed for proposal clarification, and develop a short list of qualified applicants. Selection of the successful community group will be based on the eligibility requirements described above, and an assessment of each applicant's capabilities and proposed scope of work to:

- Effectively utilize the services of a technical advisor to interpret technical information regarding Site investigations, risk assessment evaluations, and potential remedial alternatives.
- Effectively convey information provided by the technical advisor to the group members and the local community

Following notification of the award to the selected community group, ARC will establish a contract agreement with the group that incorporates key operating practices and expectations outlined in this TAP. The agreement will also include procedures for informal resolution of any disputes between EPA/ARC and the selected community group. In the event that a resolution on a disputed matter concerning the use, administration, or payment of TAP funds cannot be reached, EPA and ARC will implement dispute resolution activities.

## SECTION 3.0 TAP ADMINISTRATION

The fund, in the amount of \$50,000, is anticipated to be available to the successful applicant for the objective of providing technical assistance to promote understanding and interpretation of Site investigation and feasibility study findings for the group and local community. Pursuant to the primary goal of the TAP, the selected group will perform activities that communicate appropriate Site information to the public via meetings, and hard copy or electronic correspondence. ARC will administer the fund, direct the community group and approve scopes of work and invoices, and pay the community group. EPA will provide input into the scope of work and invoice approval process. Related activities to be performed by the community group may include, but may not be limited to:

- Retain and fund a TAP administrator who will help manage and administer the program.
- Retain and fund one or more technical consultants.
- Purchase or rent office supplies.

### 3.1 Ineligible Activities

The following activities cannot be supported with TAP fund monies:

- Support of lawsuits or other legal actions including paying for attorney fees for advice tied to any kind of legal action, or for any activities that would result in an attorney/client relationship and associated attorney/client privilege for Site-related documents.
- Political activity and lobbying.
- Social, ceremonial, or entertainment costs.
- Group member training or travel.
- Generation of new technical data (e.g., additional air, soil or groundwater data), or new biomedical data or health studies (e.g., urine or blood testing).
- Resolving disputes with EPA, or contesting EPA decisions (e.g., the Record of Decision for a Site-related remedial action).

### 3.2 Fund Administration and Control

TAP funds may be used to support one or more technical advisors not affiliated with ARC, EPA, the U.S. Bureau of Land Management (BLM), State of Nevada or with the Site Trustees. The role of the technical advisor will be to explain the RI/FS process and interpret Site technical data and evaluations for the group and the local community. In the event that a qualifying community group already has an appropriate technical expert, procurement of an external advisor may be unnecessary. Examples of how technical advisors may support the process include:

- Review of Site conditions and remedial investigation data.
- Promote understanding of the technical information associated with remedial investigation results, risk assessments, potential remedies, and remedy implementation for potential Site re-development.
- Visit the Site periodically during the RI/FS process to observe the work and provide technical updates to the group.

ARC will directly monitor the successful community group's TAP technical and financial performance. ARC will assign a TAP Administrator who will be responsible for distributing TAP funds and reviewing the group's progress reports, the work product of its technical advisor(s), financial records including documentation of the project costs, and how TAP funds have been spent. The successful community group applicant will identify its own TAP Administrator, who will be the group's primary point of contact for administrative issues. This individual will have responsibility for the following tasks:

- Placing public notices.
- Preparing contracts with any external technical advisor and program administrator.
- Preparing progress reports.
- Tracking expenses.
- Record keeping and cost accounting.
- Taking meeting notes and distributing official meeting minutes.

Administrative controls will be accomplished by the submittal of the following documentation by the successful group to ARC:

- Quarterly progress reports within 45 days after the end of each calendar quarter.
- Annual financial status reports within 90 days after the anniversary of its TAP award.
- Copies of final technical advisor work products within 10 days of distribution to the community group.
- A final report containing the information specified at 40 CFR §35.4170(e) within 90 days after the annual funding has been expended.

ARC, with EPA input, will provide the selected community group with specific criteria and procedures for contractor procurement that will support the effective use of technical resources by the group. The successful community group also will be required to meet the guidelines set forth in 40 CFR §35.4170 through §35.4240) regarding the following:

- Periodic financial and technical progress reporting.
- Financial and technical records management and retention.
- Eligibility requirements for technical advisors and other contractors.
- Solicitation, selection and procurement guidelines for technical advisors and other contractors, including contract value bid guidelines and contract provisions

### **3.3 Funding and Payment Procedures**

The successful community group will provide to ARC a monthly request for funds disbursement, along with appropriate documentation that supports the request for disbursement. The community group will also describe in detail the scope of work and any deliverable generated for the associated scope of work. Requests for disbursement will be sent to the ARC for evaluation and approval and, with EPA approval, funding will be provided on a cost reimbursement basis. However, ARC may elect to provide the selected group with advance funding up to \$5,000 for start-up costs (e.g., equipment and office space rental). Within 30 days of receipt of the request for disbursement, ARC will issue payments for approved amounts, unless additional information is required. All payment approvals must be agreed to by EPA.

### 3.4 Technical Progress Reporting

The TAP community group will provide a quarterly progress report to ARC and EPA within 45 days after the end of each calendar quarter, in narrative form, with a full description of:

- Schedule performance status.
- Budget performance status.
- Problems encountered
- Copies of technical documents, newsletters, fact sheets, or any other advisories or public notifications generated during the report period

The group will also be required to send copies of final technical advisor work products to EPA, NDEP, BLM and ARC within 10 days of distribution to the TAP group or the public.

**SECTION 4.0**  
**REFERENCES CITED**

Brown and Caldwell, 2002, *Community Relations Plan for the Yerington Mine Site, Lyon County, Nevada*. Prepared for the Atlantic Richfield Company. October

Brown and Caldwell, 2008, *Air Quality Monitoring Program Data Summary Report. Yerington Mine Site, Lyon County, Nevada*. Prepared for the Atlantic Richfield Company. May

EPA, 2007, *Administrative Order for the Remedial Investigation and Feasibility Study*. In the matter of Anaconda/Yerington Mine Site, Yerington, Lyon County, Nevada. Atlantic Richfield, Respondent. U.S. EPA Region 9, Docket No. 9-2007-0005. Proceeding under Section 106(a) of CERCLA, as amended, 42 USC § 9606(a).

EPA, 2007, Technical Assistance Grants - Frequently Asked Questions:  
[www.epa.gov/Superfund/community/tag](http://www.epa.gov/Superfund/community/tag)