



THE STATE  
of ALASKA  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Environmental  
Conservation

DIVISION OF SPILL PREVENTION AND RESPONSE

Contaminated Sites Program

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File No: 2442.38.001

September 17, 2019

Mr. Mike McCrum  
Bureau of Land Management  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7504

Re: *Final Feasibility Study Supplement*  
Red Devil Mine

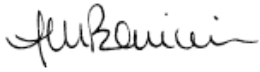
Dear Mr. McCrum:

The Alaska Department of Environmental Conservation (DEC) has received and reviewed the *Final Feasibility Study Supplement*, prepared for the Bureau of Land Management (BLM) by Ecology and Environment, Inc. and dated August 2019. This document outlines and analyzes potential remedial alternatives for the contaminated groundwater at the site and impacted sediment of the Kuskokwim River. DEC approves this document in accordance with 18 Alaska Administrative Code (AAC) 75.335(d), subject to the reservation outlined below.

The review process during the development of this document was lengthy and included the creation of other documents to provide detailed technical documentation to support the cleanup levels and other project decisions; specifically, the *Final Groundwater and Surface Water Report* and the *Final Technical Memo, Red Devil Mine Proposed Repository, Refined Hydrologic Analysis*. During the review process, DEC provided several rounds of comments on various drafts or clarifications of particular issues. All of DEC's comments were satisfactorily resolved with the exception of several Alaska regulations which DEC identified as substantive Applicable or Relevant and Appropriate Requirements (ARARs) and BLM determined are administrative, and, therefore, not ARARs. Similar discussions occurred during the development of the Feasibility Study (FS) in 2015, and some of the ARARs of disagreement in the FS were resolved during the FSS discussions. The list of the outstanding ARARs of disagreement include: 18 AAC 60.025(a), 18 AAC 60.025(d) and (e), 18 AAC 60.330, 18 AAC 60.485, 18 AAC 60.490, 18 AAC 75.370(a)(1), 18 AAC 75.370(a)(3) and (5), 18 AAC 75.370(a)(6), and 18 AAC 75.370(a)(7). By approving this document, DEC is, in no manner, agreeing with the BLM position that these regulations are administrative, but continues to assert that the following State regulations are substantive ARARs as defined by the National Contingency Plan (NCP) and Environmental Protection Agency (EPA) guidance and should be included as such in the upcoming Proposed Plan and Record of Decision. DEC requests that the State's position regarding these ARARs be documented in the Proposed Plan, as per 40 C.F.R. 300.430(e)(9)(iii)(H)(1) and (2) and 40 C.F.R. 300.515(e)(1).

Should you have any questions regarding this letter, please contact me at 766-3184, or [annemarie.palmieri@alaska.gov](mailto:annemarie.palmieri@alaska.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne Marie Palmieri".

Anne Marie Palmieri  
Environmental Program Specialist

cc: Mark Longtine, Ecology & Environment  
Patty Burns, Alaska Department of Natural Resources