UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 19 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Ms. Maver Carey
The Kuskokwim Corporation
4300 B Street, Suite 207
Anchorage, Alaska 99503

Dear Ms. Carey:

Thank you for your letter of August 22, 2011, concerning the status of the Red Devil Mine site. The concerns of The Kuskokwim Corporation (TKC) related to the adequacy, timing and enforceability of a comprehensive evaluation and cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as well as the meaningful participation of affected communities and the consideration of future land use of the Red Devil Mine site are important to me as I consider the site.

As you may know, the EPA and the state of Alaska have been monitoring the protectiveness and progress at this site and we continue to work with the Bureau of Land Management (BLM), as the lead federal entity, that is responsible for cleaning up the site to ensure cleanup decisions at Red Devil Mine are appropriate for a site of this nature. Indeed, since the EPA made clear intentions to consider listing Red Devil Mine on the National Priorities List (NPL), there appears to be more cooperation among the Department of the Interior (DOI), the EPA and the state of Alaska to pursue a cleanup at the site.

While listing this site on the NPL may be among the tools that warrant consideration, please note that NPL listing is used principally as a means of prioritizing sites for cleanup based on risk; it does not change the responsibility of executive branch agencies to conduct cleanup activities in a manner consistent with CERCLA and the National Contingency Plan (NCP). BLM's commencement of the Remedial Investigation/Feasibility Study is a positive step forward in this regard.

We agree that it is necessary for the EPA and Alaska Department of Environmental Conservation (ADEC) to continue to provide oversight to BLM to ensure a comprehensive investigation and cleanup at the site. The EPA and the ADEC have already had significant technical comments on the draft BLM investigation work plans. The EPA and the ADEC comments have expanded the scope of the investigation to cover the entire site and highlighted areas needing revision to be consistent with Superfund guidance. The EPA, ADEC, and BLM are still working through several issues, including issues related to the human health risk assessment and how to address tribal fish consumption rates in the analysis.

The EPA remains focused on the key issue for the communities surrounding Red Devil Mine, namely, a timely and effective cleanup that protects human health and the environment which will allow for the safe future reuse of this contaminated site. Of significance to the EPA is the affect of the contamination upon potential environmental justice communities of concern affected by the Red Devil Mine site. The

EPA continues to hold to the view that all available tools should be considered for use in reaching these cleanup goals, including, if necessary, the listing of the Red Devil Mine site on the NPL.

The EPA will continue to engage TKC consistent with the NCP and welcomes any information TKC has on this site. The EPA will also consult with TKC on the same basis as federally recognized Indian tribes pursuant to the section of Public Law 108 - 199, 118 Stat. 452, as amended by Public Law 108 - 447, 118 Stat. 3267, regarding consultation under Executive Order 13175, "Consultation and Coordination With Indian Tribal Governments," November 6, 2000. Where appropriate, TKC will be included directly in the EPA correspondence regarding the site. Please note however that in the NPL listing process, the EPA considers certain pre-proposal site information to be deliberative in nature and generally does not share information prior to the NPL listing rulemaking. The EPA will also continue to encourage BLM, as the lead agency for site cleanup, to engage TKC to insure the meaningful participation by TKC and interested communities impacted by the cleanup of Red Devil Mine site.

Thank you for your letter and willingness to share your concerns about progress at the site. We look forward to continuing to work with TKC as the investigation and cleanup proceeds at the site.

Sincerely,

Mathy Stanislaus
Assistant Administrator

cc: Dennis McLerran, USEPA
Cynthia Giles, USEPA
Larry Hartig, AK DEC

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