



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
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MAY 24 2010

In Reply Refer To:
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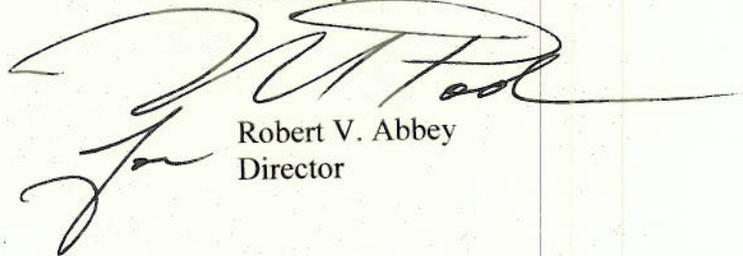
Mr. Mathy Stanislaus
Assistant Administrator
Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Stanislaus:

The Bureau of Land Management (BLM) is in receipt of your letter and related enclosure regarding the Red Devil Mine Site dated May 14, 2010. We are reviewing these documents with Department of the Interior senior leadership. Upon the conclusion of such review and guidance from the Department, we will provide the Environmental Protection Agency (EPA) with a formal response. In the meantime, under the supervision and oversight of Mr. Michael McCrum who will be serving as Project Manager for the site, the BLM will continue its ongoing Remedial Investigation and Feasibility Study activities, and continue to offer EPA and the State of Alaska the opportunity for meaningful participation.

The BLM looks forward to our continued mutual efforts to address the environmental needs of this important site.

Sincerely,



Robert V. Abbey
Director

cc: David Hayes, Deputy Secretary
Wilma Lewis, Assistant Secretary for Land and Minerals Management
Pam Haze, Deputy Assistant Secretary, Policy Management and Budget
Larry Hartig, Commissioner, Alaska Department of Environmental Conservation
Edwin Roberson, Assistant Director, Renewable Resources and Planning



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

MAY 14 2010

Mr. Robert V. Abbey, Director
Bureau of Land Management
U.S. Department of the Interior
Washington, DC 20240

Dear Mr. Abbey:

Thank you for your letter of April 13, 2010, concerning the Red Devil Mine (RDM) site in Alaska. The Bureau of Land Management (BLM) has made important progress toward EPA's minimum requirements for using an alternative approach to address conditions at the RDM site. Given BLM's understandable concern about budget constraints and competing priorities, your organization's agreement to stipulated penalties under an enforceable agreement for site cleanup is a significant step forward. EPA also recognizes the uncertainty and serious challenge that BLM faces in addressing abandoned mines on public lands.

Further, we are encouraged by our several areas of agreement, which suggest a will to find an acceptable path forward at RDM. For example, we agree on the serious risks at RDM and the immediate need to assess the site's potential impact on Alaska native communities relying on subsistence resources. We also agree that the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is the applicable cleanup authority, and that using CERCLA will assure proper EPA oversight, as well as provide a mechanism for the EPA Administrator to exercise her remedy selection prerogative. In addition, we both have expressed our commitment to ensure meaningful state involvement, provide consultation for affected local Tribes, and give the public the opportunity for input consistent with CERCLA and the National Contingency Plan.

With this progress, EPA believes that an effective path forward as an alternative to the National Priority List is the bifurcated approach we outlined in our February 23, 2010, letter to you. Under that approach, BLM, with EPA involvement, would cooperatively perform a remedial investigation (RI) and feasibility study (FS) while the appropriate agencies continue to engage on the more complex, long term issues surrounding the cleanup of abandoned mines in general. More specifically, we would enter into an enforceable consent agreement under CERCLA authorities for this phase at RDM, and have developed and enclosed such an agreement for your consideration. This agreement is specifically tailored to unique circumstances at RDM and contains the essential standard legal and implementation conditions that were referenced in EPA's letter of October 1, 2009. As your staff who have signed Federal Facility Agreements for other Department of the Interior sites will recognize, this agreement is considerably shorter than our typical agreement. In addition, as you know, the Superfund law



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