



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



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AUG 23 2010



Mr. Mathy Stanislaus
Assistant Administrator, Office of Solid Waste
and Emergency Response
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Mr. Stanislaus:

By this letter, the Bureau of Land Management (BLM) responds to the Environmental Protection Agency's (EPA) latest proposed draft agreement intended to address the remedial needs of the Red Devil abandoned mine land (AML) site in Alaska. As we have stated before, we are committed to working with our partners, EPA, the Alaska Department of Environmental Conservation (ADEC), and native Alaskan communities, to address the significant environmental and human health needs of this AML site. The BLM continues to regard this matter as of the highest priority, and we recognize that EPA, along with our other partners, shares our goal of responding to the work needed at this site in a prompt and comprehensive manner.

Under the Federal Land Policy and Management Act (FLPMA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the BLM has management responsibility for any environmental issues on these public lands, and, therefore, intends to continue to exercise those responsibilities as land manager and lead agency. While the BLM did not create the problems at this site—it was contaminated by the activities of third-party miners and polluters operating prior to the enactment of FLPMA and prior to the BLM being charged with controlling those activities—the BLM is committed to seeing that these problems are corrected. Since our last exchange of letters, we have been focused on our on-the-ground work at the site. This letter will serve as an update of that important work.

I am pleased to report that the BLM has made considerable progress in performing the remedial investigation and feasibility study (RI/FS) at this site. A complete chronology of the Red Devil Mine environmental investigation and clean-up activities to date is available on the BLM's website at: www.blm.gov/ak/st/en/fo/ado/hazardous_materials/red_devil_mine.

At present, the BLM is actively engaged with the EPA and the ADEC in finalizing planning documents and the technical approach for the RI/FS. Site preparation has been performed as part of the hydrocarbon remediation and included enhanced access for large equipment and personnel without disturbing key features, such as Red Devil Creek. As set forth below, the primary field data collection element of the RI has been initiated and will continue through September 2010. The draft RI/FS report is scheduled for completion in early 2011. Based on the current schedule, the BLM projects that the RI/FS will be finalized in 2011, with subsequent remedial action.

On June 7, 2010, the BLM named a permanent project manager, Mike McCrum, to oversee remediation at the Red Devil Mine. Mr. McCrum brings substantial experience to the role having managed remedial investigations and actions, and authored decision documents for numerous sites throughout Alaska. Work at the site continued uninterrupted pending Mr. McCrum's appointment.

The following information summarizes the significant work and planning that the BLM has accomplished at the site, thus far:

- The RI/FS contractor, Ecology & Environment, Inc. (E&E), has submitted the Draft RI/FS Work Plan, Quality Assurance Project Plan, Health and Safety Plan, and the Draft Community Involvement Plan. The BLM, ADEC, and EPA are currently reviewing these plans. We have received comments from ADEC and EPA.
- The U.S. Geological Service (USGS) remains involved in the Red Devil RI/FS, having completed the first round of surface water and sediment sampling for metals in the Kuskokwim River and eight tributaries. The surface water and sediment data will contribute to a comprehensive understanding of metals in the aquatic environment and how the area near the Red Devil Mine compares to the surrounding areas. The USGS will also be reviewing RI/FS submittals.
- The first round of the BLM fish/macro invertebrate tissue-sampling project was completed in late June 2010. This project was coordinated with the Alaska Department of Fish and Game, USGS, and ADEC. Preliminary tissue analysis results are expected by late August. Re-sampling of the Kuskokwim River and selected tributaries will occur again, over a period of several weeks, in late August and early September 2010. This project will yield concentrations of mercury and other metals within the aquatic food web spectrum from the low-level benthic macro invertebrates to top level predatory fish species, which are important subsistence resources for the local villages. Study results will form the basis for evaluating mercury levels in samples collected from Red Devil Creek relative to seven other tributaries along the middle section of the Kuskokwim River.
- Tribal Consultations/CERCLA Community Involvement Meetings were held at Akiak, Lime Village, Sleetmute, Akiachak, Stony River, the Village of Red Devil, Lower Kalskag, Georgetown, and Kwethluk, and with The Kuskokwim Corporation and Calista Corporation.

Meetings at Crooked Creek and Tuluksak are tentatively scheduled for August 2010, after people have returned from fish camp. We intend to continue these efforts to actively engage local native Alaskan communities in this process and keep them informed about relevant issues at this site.

- A site visit to review the RI/FS technical approach was conducted on June 14, 2010. Representatives from the BLM, EPA, ADEC, and E&E attended the site visit.
- The USGS mobilized a team to visit Red Devil Mine in early August 2010 to perform a geophysical survey of areas where RI field work will be conducted. The geophysical results will be used to guide the subsurface investigation component of the RI.

The abovementioned milestones demonstrate that the BLM has made substantial progress with respect to response actions designed to protect human health and the environment.

We have previously expressed our willingness to enter into an agreement with our partners, EPA and ADEC, to address the environmental and public health needs of the site. We continue to believe, however, that for any such endeavor to be effective, the parties must also be committed to working collaboratively. We accept the concept of stipulated penalties as an element of such an agreement, but cannot support penalties being taken from appropriated funds. We believe that the BLM's limited funds should be spent for on-the-ground needs at the site.

We continue to acknowledge EPA's decision-making authority to select a final remedy for the site. However, we do not agree that EPA should have unilateral decision-making authority over all other issues at this site. Therefore, we believe that any dispute resolution process with regard to any other site issues be collaborative, with the agencies' sharing responsibility and working together to resolve site issues. Finally, we will not agree that third parties be offered enforcement authorities with respect to any agreement between our agencies.

The people of Alaska have a right to expect that all of us focus on delivering on-the-ground results at this site, and we intend to deliver. We will continue to move forward at this site, and we welcome ADEC's and EPA's continued participation as our partners, working with us to protect the public and the environment.

We stand ready to work with you.

Sincerely,



Robert V. Abbey
Director

cc: David Hayes, DOI
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