



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Law

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September 12, 2012

Via Email to Stanislaus.Mathy@epa.gov & First Class Mail

Mr. Mathy Stanislaus
Assistant Administrator, OSWER
Environmental Protection Agency
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Re: Red Devil Mine, Red Devil, Alaska

Dear Mr. Stanislaus:

Thank you for taking the time to meet with me on August 28, 2012. I thought it would be useful to set out our understanding of the path forward following our meeting.

While the State was requesting that Red Devil Mine be included in the September listing package, you indicated that we had missed the September listing cycle, and that the next listing cycle occurs in April 2013. I understand, though, that EPA can do a special listing for a single site and we would like to keep that option on the table. In the interim, you wanted EPA, BLM and the State to discuss a Superfund Alternative Agreement ("Agreement") as a possible option to listing. Following timely consultations on your end, you agreed to distribute a Red Devil Mine site-specific draft Agreement so that all parties could review it and consider its provisions.

We agreed to explore this option as long as the Agreement included a few critical elements, such as established timelines, stipulated penalties, dispute resolution and community involvement. As you know, we expressed caution about going down that path again because similar discussions occurred two years ago and resulted in BLM walking away from the table rather than accepting the critical elements outlined above — which we contend are essential if an adequate and informed clean-up is going to occur. The prior discussions consumed many months. To alleviate our concern, you agreed to give us a midway deadline whereby we would measure whether meaningful progress had been made toward an acceptable Agreement. As we discussed, the State believes it is imperative that it have a seat at the table, both in discussions concerning the terms of the Agreement, and as a signatory to the Agreement itself.

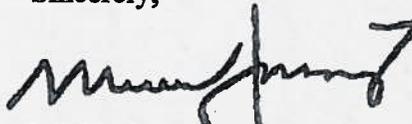
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If, after a determination that meaningful progress toward an Agreement had not been made, it was our understanding that you would update the listing package for the site and submit it for the April listing cycle, if not sooner.

Thank you for your consideration.

Sincerely,



Michael C. Geraghty
Attorney General

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