Atlantic Richfield Compar

Anthony R. Brown
Project Manager, Mining

4 Centerpointe Drive, 2nd Floor, Suite 200
La Palma, CA 90623-1066
Office: (657) 529-4537
Fax: (657) 529-4559
E-Mail: Anthony.Brown@bp.com

VIA E-MAIL AND CERTIFIED MAIL

March 27, 2017

Ms. Lynda Deschambault
SFD-7-2
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Request for Authorization to Perform Water Treatment During the 2017 Spring Portion of the Limited Access Season High Density Sludge Treatment System Leviathan Mine Alpine County, California

Dear Ms. Deschambault:

This letter addresses Atlantic Richfield Company's (Atlantic Richfield) plans for access, commissioning, and startup of the High Density Sludge (HDS) Treatment System at the Leviathan Mine Site (site) during the spring portion of the 2017 Limited Access Season (LAS). The HDS Treatment System is comprised of the Channel Underdrain (CUD) and Delta Seep (DS) collection and co nveyance equipment, Pond 4, the HDS Treatment Plant (which includes the process equipment), and the HDS Power Generation System. This letter also serves as our request for the United States Environmental Protection Agency's (U.S. EPA) authorization to perform activities related to access, HDS Treatment System spring commissioning, the collection and treatment of CUD and DS flows during the 2017 LAS, and continued construction of the Upper Pond Conveyance System (UPCS), to the extent allowed by weather -related site conditions. This letter follows a similar format as we have used in past years for informing U.S. EPA of Atlantic Richfield's spring LAS planning and requesting authorization to proceed with treatment activities.

The water treatment activities to be conducted at the site in 2017 are described in the *Removal Action Work Plan* (RAWP) dated March 1, 2013, as amended in 2014 through 2016. The requirements for capture and treatment of flows from the CUD and DS and operation of the HDS Treatment System are set forth in the *Administrative Settlement Agreement and Order on Consent for Removal Action* (AOC), CERCLA Docket No. 2008 -29/2009(a), effective January 21, 2009 (and modified as of July 22, 2013).

The RAWP indicates that the HDS Treatment System will operate from June 1 through September 30, 2017, which the AOC defines as the Atlantic Richfield Work Season (ARWS). In addition, the RAWP indicates that spring commissioning and startup will occur when Atlantic Richfield determines that the site can be safely and effectively accessed (anticipated to be sometime in April 2017), at which point U.S. EPA will be notified and on-site personnel will begin re-commissioning the HDS Treatment System.

Based on current site conditions, as observed during the latest winter operations and maintenance (O&M) visit to the Aspen Seep Bioreactor (ASB) on March 20, 2017, and via the current on-site view from the remote access web camera at the ASB Treatment System, the snow pack at the site has melted significantly; however, much snow still remains. Historically the weather patterns in March and early April are unstable, with the potential for periodic snow and sub-freezing temperatures in the area, thus adding uncertainty as to the timing for early spring access and system re-commissioning. Atlantic Richfield plans to monitor the weather and site conditions closely in the coming weeks; however, we believe it may be feasible to initiate activities necessary for site access and system re-commissioning in early to mid-April in preparation for CUD and DS capture and treatment in late April to early May 2017. Runoff-related damage to the roads leading to the site could delay access if substantial regrading or repairs are needed. If freezing temperatures or severe storms begin to affect access or increase the potential for damage to equipment, the conveyance and treatment equipment may need to be temporarily shut down. Information and decision criteria to be used for determining when to commence and/or suspend site operations are described in the RAWP.

Precipitation levels at the site this winter were at or near historically high levels. As a result, flows from the CUD, DS, and Aspen Seep are expected to be significantly higher this year than they have been in the past several years. If flows from the CUD and DS exceed the capture limits stated in Paragraph 50.i.iii of the AOC (60 gpm for the CUD and 40 gpm for the DS) and the design criteria for the HDS Treatment System, it may not be possible to capture and treat all of the water discharging at these locations. There is also a chance that high runoff in Leviathan Creek could damage equipment at, or restrict access to, the CUD and DS collection areas. Likewise, higher than normal flows from the Aspen Seep could potentially affect the performance of the ASB and water quality in the ASB effluent despite Atlantic Richfield's best efforts to plan for and respond to these conditions.

The AOC requires that Atlantic Richfield seek U.S. EPA's advanced authorization if Atlantic Richfield intends to commence treatment during the winter/spring portion of the LAS. By this letter, Atlantic Richfield requests that U.S. EPA acknowledge its authorization for commencing site work and capture and treatment of flows from the CUD and DS during April and May of the 2017 LAS, as long as personnel can safely access the site, necessary consumable materials and other supplies are available, or can safely be delivered to the site, and cold weather conditions will not cause damage to the collection and treatment systems and other equipment.

Assuming that U.S. EPA authorizes operation of the HDS Treatment System, including the CUD and DS collection and conveyance equipment, during the 2017 spring LAS, Atlantic Richfield

will keep U.S. EPA apprised of the operational conditions and constraints and of Atlantic Richfield's assessment as to whether or not it is reasonable to continue operations through the remainder of the LAS.

If you have any questions regarding this request, please do not hesitate to contact us.

Sincerely,

Tony Brown
Project Manager Mining

cc: Gary Riley, U.S. EPA Region 9
Douglas Carey, Lahontan Regional Water Quality Control Board
Nathan Block, Esq., BP America Inc. – via electronic
Brian Johnson, Atlantic Richfield Company
Adam Cohen, Esq., Davis Graham & Stubbs LLP – via electronic
Mike Johnson, Copper Environmental Consulting – via electronic
Sandy Riese, EnSci, Inc. – via electronic
Jack Marjerison, Atlantic Richfield Company – via electronic
Marc R. Lombardi, Amec Foster Wheeler – via electronic
Jeremy Boucher, Broadbent & Associates, Inc. – via electronic