UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

March 21, 2017

Mr. Anthony R. Brown
Environmental Manager
Atlantic Richfield Company
4 Centerpointe Drive, LPR 4-435
La Palma, CA 90623-1066

Re: **EPA Approval of the Final On-Property, Off Property and Reference Area Focused Remedial Investigation (FRI) Work Plan-Plant and Habitat-Related Soil Investigations, Leviathan Mine Site, Alpine County, California; dated April 8, 2016**

Dear Mr. Brown,

The US Environmental Protection Agency (EPA) has reviewed Atlantic Richfield Company's (ARC) Final On-Property, Off Property and Reference Area Focused Remedial Investigation (FRI) Work Plan – Plant and Habitat-Related Soil Investigations, Leviathan Mine Site, Alpine County, California, dated April 8, 2016. This work was submitted to EPA pursuant to Administrative Order for Remedial Investigation and Feasibility Study, Leviathan Mine, Alpine County, California (CERCLA Docket No. 2008-18, June 23, 2008).

Background:
On March 20, 2015 ARC delivered the Technical Memorandum: Habitat Surveys, Plant Species, and Study Design for Plant Sampling, and on April 7, 2015 ARC delivered the Draft On-Property Focused Remedial Investigation Work Plan and Off-Property Area Focused Remedial Investigation Work Plan Plant and Habitat-Related Soil Investigations for the Leviathan Mine Site in Alpine County, California. On May 18, 2015, EPA provided comments on the technical memorandum and draft submittal, and directed ARC to proceed with sampling within the next 14 days. ARC initiated plant and habitat related soil sampling activities 30 days later; on June 15, 2015.

EPA's May 18, 2015 comments directed ARC to

- Incorporate reference area plant and habitat related soil sampling into the revised work plan, and
- To implement opportunistic sampling to maximize the likelihood that target plants would be identified and sampled from appropriate locations.

On June 19, 2015 ARC delivered the Draft Final On-Property, Off Property and Reference Area Focused Remedial Investigation (FRI) Work Plan –Plant and Habitat-Related Soil Investigations. The response incorporated reference areas into the plant and habitat related sampling program; and indicated that opportunistic sampling would be conducted. The response included ARC's proposal that a plant species would not be collected if two samples could not be obtained in reference areas, or from site affected areas.

On September 22, 2015; EPA and ARC held a meeting to discuss the progress of plant sampling. On October 16, 2015 EPA provided comments that clearly stated

- That ARC's approach was not acceptable to EPA. Clearly noting that if a target plant is found in potentially site affected areas, but not observed in reference areas, the information obtained from collecting and analyzing the plant remains useful. EPA directs ARC to ensure that the plant sampling approach includes sufficient flexibility to ensure samples are collected in areas that are potentially site affected even though two occurrences of the plant may not observed in the reference streams.
- EPA also requested a status update on plant sampling efforts.

On October 20, 2015, during the EPA and ARC monthly status call EPA again clarified the request for an update on the 2015 plant collection status and further requested submittal of a schedule for completing the plant sampling during the next 2016 field season.

On November 16, 2015, ARC provided two tables to document plant collection progress in 2015. Of the 22 plant species:

- Nine of the species were completed at all three areas (On-Property, Downstream Study Area [DSA], and Reference Area).
- Five plant species were not collected due to inability to collect 2 reference samples within the designated areas. Although at least three of these five species were observed outside the floodplain.
- Two species were not observed in any of the areas.
- Three species were observed in all study areas. It is unclear why the sampling effort was too late in the growing season to collect these species.
- One species was observed, but not in sufficient quantities to form a sample.
- Two species were partially collected and require completion of either On-Property or Down Stream Study Area (DSA) sample collection.

EPA provided a March 9, 2016 comment letter on ARC's Draft Final work plan and November 16, 2015 update on sampling status. EPA directed ARC to begin the field work in accordance with the draft final work plan and EPA comments.

EPA Approved the April 8, 2016 response to comments and Final work plan and finds that ARC has adequately addressed EPA comments. On or before May 30, 2017; EPA directs ARC to prepare a plant

sampling data summary that fully identifies the plants sampled, sample locations, and associated analytical results by May 30, 2017.

If you have any questions, please feel free to contact me at (415) 947-4183 or Deschambault.lynda@epa.gov.

Sincerely,

Lynda Deschambault

Lynda Deschambault
Remedial Project Manager

Cc by electronic Email:
Douglas Carey, California Regional Water Quality Control Board, Lahontan Region
Lynelle Hartway, Washoe Tribe of Nevada and California
David Friedman, Nevada Department of Environmental Protection
Kenneth Maas, United States Forest Service
Tom Maurer, United States Fish and Wildlife Service
Toby McBride, United States Fish and Wildlife Service
Steve Hampton, California Department of Fish and Wildlife
Marc Lombardi, AMEC

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