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

May 17, 2017

Mr. Ron Halsey
Environmental Manager
Atlantic Richfield Company
4 Centerpointe Drive, LPR 4-435
La Palma, CA 90623-1066

Re: Remedial Investigation/Feasibility Study Schedule; Request for updated Notice of Intent to Comply;
Leviathan Mine Site, Alpine County, California.

Dear Mr. Halsey,

The United States Environmental Protection Agency (EPA) appreciates Atlantic Richfield Company (ARC)'s willingness and effort to develop an agreed upon schedule for completing the Remedial Investigation/ Feasibility Study (RI/FS) for the Leviathan Mine Superfund Site, pursuant to the Administrative Order for Remedial Investigation and Feasibility Study, Leviathan Mine, Alpine County, California (CERCLA Docket No. 2008-18, June 23, 2008) (Order). We have had several meetings and exchanged correspondence on this issue, most recently in my letter dated April 4, 2017. Based on discussions since that date, I am sending this letter to clarify the position we explained on April 4, 2017. This letter supersedes anything inconsistent in the previous letteror in other previous communications regarding due dates and schedules.

The Order included an Attachment 2, List of Major Submittals for the Leviathan Mine Remedial Investigation. This list served as the "general list of activities" ARC is required to perform in accordance with schedules "as may be amended or modified by EPA from time to time" (Order, Para. 50). With this letter, EPA is providing an updated Attachment 2, List of Major Submittals for the Leviathan Mine Remedial Investigation (Revised May, 2017), which is substituted into theOrder and provides a schedule for the submittal of the outstanding Major Submittals.

EPA requests ARC provide an update of its Notice of Intent to Comply (NOI) submitted under Paragraph 44 of the Order. Through the updated NOI, ARC should specifically commit to submit the Major Submittals on the schedule provided in the updated Attachment 2. Any further extension of the schedule for these submittals must be pursuant to the Order, i.e., as modified by EPA under Paragraph 50 of the Order or pursuant to Section XIX (Delay of Performance).

By updating the Attachment 2 and the Notice of Intent to Comply,EPA and ARC will document our mutual concurrence with a schedule to have a final RI/FS by June 30, 2019, preceded by the submission of a Draft Site Characterization Reportby December 31, 2017, a Draft RI Report (including the Draft Human Health Risk Assessment and the Draft Ecological Risk Assessment) byJune 30, 2018, and a Draft FS by December 31, 2018.

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The Draft Site Characterization Report was not identified separately in the original List of Major Submittals. The Draft Site Characterization Report will be a draft of Volume I of the Remedial Investigation Report, as described in the Annotated Table of Contents, included as Appendix A of EPA's April 4, 2017 letter. Please ensure the document follows Chapter 3 of EPA's Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA, OSWER Directive 9355.3-01, October 1988.

In order to ensure that the Draft Site Characterization Report will lay a solid foundation for the Major Submittals to follow, EPA believes it is necessary to receive the following three documents by July 15, 2017. These documents will identify any data gaps and support the Draft Site Characterization Report, baseline risk assessments, and the evaluation of remedial alternatives Please fully consider previous EPA comments on the following documents:

1. Technical Data Summary Report: Stream Sediment and Floodplain Soil
2. Technical Data Summary Report: Reference Areas
3. Technical Data Summary Report: Groundwater

In addition, the following reports are prioritized because they are overdue and/or because they are related to current potential exposure pathways. EPA requires the submittal by July 15, 2017, of the following data summaries. Please fully consider previous EPA comments on the following documents:

1. River Ranch Data Summary
2. Fish Investigations Data Summary
3. Plant Tissue Data Summary

Regarding other pending data summary reports not specified in this letter, EPA is willing to forego interim review prior to submission of the Draft Site Characterization Report. EPA will expect continued submission of documents related to the Feasibility Study, specific Focused Feasibility Studies, and Removal Actions.

It is EPA's understanding that all known current field sampling and work plans necessary for the Site Characterization Report have been submitted. All sampling data collected through the 2017 field season shall be included in the June 2018 Draft RI Report. Additional sampling may be conducted in 2018 and all data collected shall be included in the December 2018 Draft RI/FS. Timely identification of any data gaps is necessary to ensure that the final RI/FS is completed as an approvable document by June 30, 2019.

ARC should proceed with EPA's request to continue the parallel preparation of the FS. While completing the Draft Site Characterization Report, ARC should proceed with review of feasibility options for inclusion in the draft RI/FS. EPA concurs with the request from the United States Forest Service to convene a meeting to discuss the FS screening process and appreciates that ARC has set up a meeting for May 23, 2017.

EPA looks forward to finalizing this agreement for the RI/FS schedule. If you have any questions, please feel free to contact me at (415) 972-3087 or Barton.Dana@epa.gov.

Sincerely,

Dana Barton
Acting Assistant Director
Superfund Division

Enclosed: Attachment 2, List of Major Submittals for the Leviathan Mine Remedial Investigation (Revised May, 2017)

Cc by electronic mail:

Neil Mortimer, Washoe Tribe of Nevada and California
Michelle Hochrein, Washoe Tribe of Nevada and California
Douglas Carey, California Regional Water Quality Control Board, Lahontan Region
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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Attachment 2

List of Major Submittals for the Leviathan Mine Remedial Investigation/Feasibility Study
Updated May, 2017

Draft Data Quality Objectives (DQO) Report
Final DQO Report

Draft RI/FS Work Plan
Final RI/FS Work Plan
- Health and Safety Plan
- Draft Sampling and Analysis Plan (SAP)
- Final SAP
- Draft Quality Assurance Project Plan (QAPP)
- Final QAPP
- Draft Field Sampling Plan (FSP)
- Final FSP

Draft Site Characterization Report, due December 31, 2017
Draft Remedial Investigation Report, due June 30, 2018, to include
- Revised Site Characterization Report
- Draft Human Health Risk Assessment
- Draft Ecological Risk Assessment

Draft Feasibility Study Report, due December 31, 2018

Final Remedial Investigation/ Feasibility Study Report, due June 30, 2019