

Bob & Donna.

CONCERNING YOUR PRESENTATION THIS MORNING TO PUBLIC LANDS:

BOB MILZ  
LYON COUNTY

The relationship with BLM in other areas of the county are one thing, & I am sure you will cover that, but, just the following statement covers south Lyon County.

Concerning the Walker River/ Walker Lake Remediation and the Walker River Basin EIS, the BLM is not an ally of Mason Valley and Lyon County. Concerning the Yerington Mine issues, it is frustrating because the process has been moving very, very slowly these past five years, and that is not because of Atlantic Richfield. BLM is one the three regulatory agencies of the MOU with Atlantic Richfield. It has been the inability of those agencies, U.S. EPA, BLM & NDEP, to work together, and we believe the Carson City BLM Office staff contributes a lot to that problem. They also shoulder some of the responsibility for the condition of this site since 49% of it is BLM public lands.

8/27/2004

EXHIBIT <u>F</u> Lands	Document consists of <u>3</u> pages
<input checked="" type="checkbox"/> Entire document provided.	
<input type="checkbox"/> Due to size limitations, pages _____ through _____ provided.	
A copy of the complete document is available through the Research Library (775-684-6827 or e-mail library@blm.state.nv.us).	
Meeting Date <u>8/27/04</u>	

# RENO GAZETTE-JOURNAL

## Arco, BLM disagree on authority in cleanup

Scott Sommer  
ASSOCIATED PRESS  
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Atlantic Richfield Co. is accusing the Bureau of Land Management of a conflict of interest in its role as both regulator and potential party responsible for the cleanup of a polluted Nevada mine.

A lawyer for ARCO told BLM that ARCO will agree to new talks about past costs and future cleanup at the former Anaconda Co. copper mine if BLM agrees to cover more of the expenses and give up its oversight role at the abandoned site at Yerington.

"It's apparent there has been this conflict where they have both an oversight role and ownership of about half the property," ARCO spokesman Dan Cummings said Thursday.

BLM, the U.S. Environmental Protection Agency and the Nevada Division of Environmental Protection share responsibility for regulating the site, where recent soil and ground-water sampling has detected high levels of uranium contamination, apparently a result of chemical processing of the copper from the early 1950s through the early 1980s.

BLM spokeswoman Jo Simpson said Thursday her agency has no intention of giving up its oversight role.

"We don't agree with ARCO's assertion we have liability. There's no conflict. We can't back away from our responsibility to protect public health and safety," she said.

About half the 3,500-acre site is federal land managed by the BLM, but BLM maintains the agency manages those lands as a public trust and is not subject to the same liability as private companies.

Arco is the leading party responsible for cleanup as a former owner of the land it purchased from Anaconda in 1977 and sold in 1978. The property later was purchased by Arimetco, which went bankrupt, resulting in responsibility for the cleanup reverting to Arco.

Bob Abbey, BLM Nevada director, said in a letter to Arco President R.D. Aghern on Aug. 5 he wants Arco to "indicate its willingness to participate in discussions of future work and reimbursement of past future costs incurred by BLM."

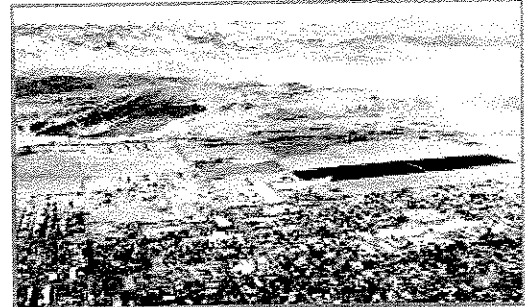
The BLM earlier this month adopted a health and safety plan to protect workers at the site and to better determine whether any contaminants might have been in dust at the mine site.

Among other things, the plan calls for identifying and mitigating obvious sources of the dust, initiating air monitoring of the dust both on and off the mine site, fencing off the areas with elevated levels of radiation and posting guards 12 hours a day, seven days a week. It also proposes using helicopters to help take aerial measurements of radioactivity both on the site and on property neighboring the site.

Arco spokesman Dan Ferriter told a crowd of about 150 local residents at a public meeting in Yerington on Wednesday night he expects his company to agree to "95 percent" of the things BLM is asking for. But he said the company needs more information about the aerial tests. And Cummings said before the meeting Arco doesn't understand why it's being asked to pay for new fencing and provide security on land BLM owns.

Todd Normane, a senior attorney for Arco's parent company, BP American Inc., said in a letter to BLM solicitor Casey Scott Padgett in Lakewood, Colo., on Aug. 23 that the company is hopeful the plans will lead to "a fair and expedited process for clean up at the Yerington mine site."

But he said BLM must acknowledge its status as a property owner of the mine site and potentially responsible party under



POLLUTED: The former Anaconda Copper Co.'s Yerington mine site is seen in this January photo. The pond can be seen at upper left and evaporation ponds at upper center. ARCO and BLM are owners of the land and are arguing over cleanup details.

federal environmental law.

"It is fundamentally unfair for a governmental agency with Superfund liability to attempt to exert oversight authority over its co-potentially responsible parties. The dichotomy of oversight agency and responsible party cannot be reconciled," Normane said.

Yerington City Manager Dan Newell and Lyon County Commissioner Phyllis Hunewill said they agree with Arco's call for BLM to withdraw from a memorandum of understanding that gives BLM equal footing with EPA and state regulators.

"I think it should happen. They own 49 percent of the property," Newell said Thursday.

Jim Sickles, EPA's project manager for the site, said EPA has agreed in the past with BLM's opinion that BLM is not subject to the same liability standards as a private company.

But he said EPA does not want to prejudge any legal claims Arco might make in the future regarding BLM's responsibility. He said EPA still believes the best way to clean up the site is to declare it a Superfund site with EPA assuming lead enforcement.

Jim Najima, chief of NDEP's Bureau of Corrective Actions, said he is optimistic a renewed effort to better define agency roles within the memorandum of understanding will lead to better cooperation between the three agencies.

But he said he understands Arco's concerns about the potential for a conflict of interest at BLM. He said one of the reasons his bureau is separate from the NDEP's parent Department of Conservation and Natural Resources is to avoid "perception of a conflict."

Art Gravenstein, NDEP's project manager for the Yerington site, said he had no opinion on whether BLM should withdraw from the memorandum of understanding.

"I can tell you the current situation isn't working that well," he said. "Whatever way we end up going, it needs to be a team effort."

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