

From: Riley, Gary
To: [Hartzell, Marty@Waterboards](mailto:Hartzell.Marty@Waterboards)
Cc: [Bradfish, Larry](#)
Subject: TENTATIVE SETTLEMENT AGREEMENT AND STIPULATED ORDER, MOUNT DIABLO MERCURY MINE, CONTRA COSTA COUNTY
Date: Monday, June 05, 2017 4:13:57 PM

Dear Mr. Hartzell:

EPA appreciates the opportunity to comment on the May 8, 2017, Tentative Settlement Agreement and Stipulated Order, Mount Diablo Mercury Mine in Contra Costa County. EPA agrees that the proposed drainage system to capture and divert water from the Travertine Spring area away from the Lower Pond can improve site conditions by reducing the amount of water that contacts with mine waste. In addition, the diversion of water may reduce the volume of water entering (and transport of contaminants to) the lower pond. This work is of a scope considerably narrower than that proposed in the Site Remediation Work Plan (SGI, 2015) prepared as required under the RWQCB's October 10, 2014 Reconsideration of Cleanup and Abatement Order No. R5-2013-0701, to Order No. R5-2014-0124 for Mount Diablo Mercury Mine.

In response to a Unilateral Administrative Order for the Performance of Removal Action from EPA, Sunoco conducted a time-critical stabilization of the southeastern wall of the Lower Pond's impoundment in 2008 and 2009 to prevent further erosion during periods of high flow in Dunn Creek. This work was documented in the report titled "Final Summary Report for Removal Action to Stabilize the Impoundment Berm" (SGI, 2009). While it was slowed considerably, erosion continued over the following years and by 2015 necessitated urgent repairs to prevent failure. Additional work was performed by Sunoco in 2016 to re-stabilize this area. This experience indicates that – while the stabilization has been successful – it requires periodic inspection, maintenance, and repair to remain effective. EPA notes this work is outside the scope of the Tentative Settlement Agreement and Stipulated Order. We are concerned that if this settlement constitutes the entire amount of remediation work to be performed at the Mount Diablo Mercury Mine by Sunoco, the site may continue to pose a threat of release of hazardous substances from the impoundment.

Very respectfully,

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