



SFUND RECORDS CTR
2300609



Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

September 22, 2006

Ms. Elizabeth J. Adams
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
Mail Code: SFD-7
San Francisco, California 94105

LAVA CAP MINE SUPERFUND SITE, CONCURRENCE WITH EXPLANATION OF
SIGNIFICANT DIFFERENCES TO RECORD OF DECISION FOR MINE OPERABLE UNIT,
NEVADA COUNTY, CALIFORNIA

Dear Ms. Adams:

The Department of Toxic Substances Control (DTSC) has completed review and concurs with the Explanation of Significant Differences (ESD) for the September 28, 2004 Record of Decision. The ESD changes the mine area residences component of the selected remedy based on information collected during the remedial design process. This information indicates 1) the residence referred to as the "Lower Rental" is unable to support residential use and 2) the residence referred to as the "Main Residence" does not require cleanup. The depth and areal extent of arsenic contamination at the Lower Rental is more extensive than previously indicated and is therefore, technically impracticable to remove the tailings to maintain the residence. The structure requires demolition and the tailings will be capped and revegetated consistent with the selected remedy as it pertains to the other waste rock and tailings disposal areas at the site.

Results from data collection efforts on the Main Residence completed during the remedial design process indicate slightly elevated arsenic levels in comparison to the cleanup goal of 20 mg/kg. However, careful analysis of other chemical and physical characteristics of the soil determined that these levels are naturally occurring and result from a geology that differs from that on other parts of the Site. Field verification visits also confirm that the soil sampled bears no physical resemblance to the tailings or waste rock located in the disposal areas at the site.

Thank you for the opportunity to concur with this document. If you have any questions regarding the forgoing, please contact Mr. Richard Hume at (916) 255-3690.

Sincerely,

James L. Tjosvold, P.E., Chief
Northern California-Central Cleanup Operations Branch

cc: See next page.

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cc: Mr. David Towell
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Reno, Nevada 89511

Mr. Richard Hume, Chief
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