

July 1, 2009

New Mexico Environment Department
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New Mexico Office of the State Engineer
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Sai Appaji
Remedial Project Manager
USEPA Region 6, Superfund Division
Dallas, TX 75202

Homestake Mining Company/Barrick Gold Corporation
Al Cox
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Grants, NM 87020

Mr. Curry, Mr. Schoeppner, Mr. D'Antonio, Mr. Canon, Mr. Appaji, and Mr. Cox,

Bluewater Valley Downstream Alliance hereby requests an on-site accounting and public inspection of Homestake/Barrick's current wells, irrigation, and collection/injection lines and pipes. Specifically, BVDA wants to tour the site with Homestake/Barrick representatives who can physically show us and NMED/OSE officials where wells, irrigation and collection/injection lines and pipes are located. At each site, we would like an official from either the NMED office or the OSE office to show us from their files the authority that permits each well, line, pipe, or discharge. To help us better understand the technical aspects of what we are seeing, we would like Paul Robinson of Southwest Research and Information Center to accompany us on this tour. If the state would like to invite Laura Watchempino from the Haaku Water Office, we would welcome her participation as well. We realize this will make for a long day but we also feel strongly such an accounting is long overdue.

At this same time, we would like the OSE's office to spot check water metering information that has been submitted by Homestake/Barrick to the OSE. This will be a chance to assure the community that the information Homestake/Barrick is submitting to the OSE can be verified.

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To prepare for this tour, BVDA would like a copy of the master map for the site as suggested by Mr. Canon in a telephone call with Candace Head-Dylla on July 1, 2009; and BVDA would like a copy of all Homestake/Barrick's monthly meter readings.

Further, BVDA hereby requests that verification of actual meter readings be conducted in the future by OSE. BVDA also hereby requests an investigation of Homestake/Barrick's current metering system and asks that a verification system be put in place to assure reported water use is actual water use.

This request is not related to our current protest of new well permitting and should not be put off pending the result of that action. We are simply asking that the current wells, irrigation, injection/collection be examined and reviewed.

While we are waiting for everyone to coordinate schedules, we would also like the USEPA and/or NMED to explain what has been done to address items 2-4, copied below, from the last Superfund site 5-year review of the HMC/Barrick site.

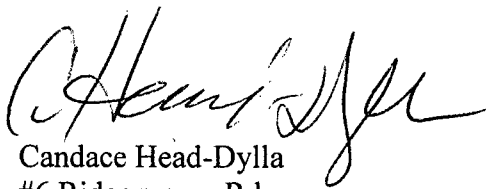
*HMC 2nd 5-yr Review Report Page ES-1 September 2006
Homestake Mining Company
Second Five-Year Review Report*

Four issues as described below were noted during the second five-year review that do not directly impact the protectiveness of the remedy at this time:

- 1. In 1985 an alternate drinking water supply was provided for the community, however, based on recent surveys additional residents whose wells are in the affected area are targeted for alternate water supply.*
- 2. There is a need to establish legally enforceable, effective institutional controls restricting the potential use of contaminated ground water by local residents and ensuring that they are connected to the alternate drinking water supply previously implemented.*
- 3. The ground water restoration that is ongoing downgradient of the mill site is not covered under the licensing agreement or the New Mexico Environment Department (NMED) discharge permits and needs to be included so that specific objective/monitoring requirements can be established.*
- 4. When the revised ground water cleanup levels, based on the proposed background concentrations supported by U. S. Environmental Protection Agency (EPA) and NMED, are approved by the U. S. Nuclear Regulatory Commission (NRC), new Points of Compliance (POCs) for the upper and middle Chinle aquifers and the mixing zone should be established. With these changes, some form of ground water Corrective Action Program (CAP) would need to be implemented until the ground water cleanup levels are attained at the specified POCs in all of the regulated aquifer units. However, it is likely that when these cleanup levels are met, some constituents could be at concentrations above the applicable MCL in various aquifer units, since the cleanup levels based on the background concentrations are above the MCLs.*

We look forward to your reply.

Sincerely,



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