

course
briefing

UNITED STATES DEPARTMENT OF THE INTERIOR

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DATE 2/26/93 NUMBER OF PAGES TO FOLLOW 3

COMMENTS/MESSAGE Bernie, this is the
signed briefing paper on Atlas
delivered to T. Elliott on Thursday,
2/25/93. Thanks for your assistance.
Hope you're having an enjoyable
vacation.

Wendy

ATLAS ASBESTOS MINE SUPERFUND SITE

Prepared For: Timothy Elliott, Acting Solicitor

Key Points: The lack of recreational or outdoor exposure limits for asbestos raises questions about the remediation decisions made by the Environmental Protection Agency (EPA) at the Atlas Asbestos Mine Superfund Site (Atlas Superfund Site) in Fresno and San Benito Counties, California. It also calls into question the massive commitment of public and private resources to reduce imprecise public health risks in the area. This lack of scientific and regulatory standards creates difficulties for Departmental bureaus charged with managing vast areas laden with naturally-occurring and disturbed asbestos.

**Bureaus
Involved:**

The Bureau of Land Management (BLM) manages the 55,000-acre Clear Creek Management Area, which is part of the Atlas Superfund Site. The Clear Creek Management Area contains a 30,000-acre serpentine rock formation containing a significant amount of chrysotile asbestos. BLM is attempting to revise its Clear Creek Management Plan to protect public health by reducing erosion and emissions caused by recreational uses of the area. This task is complicated by the lack of recreational or outdoor exposure limits for asbestos. The Atlas Asbestos Mine (Atlas Mine) is also located in the Clear Creek Management Area. BLM will participate in EPA's remedial action for the site as well as assume long-term management of the mine site.

The Bureau of Reclamation (BOR) must acquire additional land in the Arroyo Pasajero Ponding Basin area of the Atlas Superfund Site to prevent breach of the Central Valley Project's San Luis Canal due to flooding. BOR must develop a management strategy to protect public health through control of asbestos emissions from the land. BOR, like BLM, is constrained by the lack of outdoor exposure standards in determining how to manage the land in the Ponding Basin to control asbestos releases.

Background: The Atlas Asbestos Mine is an abandoned, partially patented mine located mostly on public lands in Fresno County, California. From 1962 to 1980, the Atlas Corporation (Atlas), Vinnell Mining and Minerals Corporation (Vinnell) and other companies conducted asbestos mining and milling operations at the Atlas Mine. The last operator of the mine

Railroad mine?

abandoned operations, leaving open mine surfaces, mine tailings, and milled asbestos stockpiles. In 1984, EPA included the Atlas Superfund Site on the National Priorities List. The Atlas Superfund Site includes four distinct areas based on EPA's determination that asbestos from the Atlas Mine had settled in these areas: (1) the Atlas Mine, (2) the BLM-administered Clear Creek Management Area, (3) the BOR/State of California-administered Arroyo Pasajero Ponding Basin, and (4) a site within the City of Coalinga.

The Clear Creek Management Area has 4 watersheds. The largest, the Arroyo Pasajero, flows into the Arroyo Pasajero Ponding Basin roughly 35 miles downstream. All 4 watersheds contain outcroppings of asbestos at the soil surface. The asbestos is carried into the Ponding Basin through wind and water erosion, resulting in deposition of large amounts of asbestos-laden sediment.

Health Risks: EPA has identified a public health risk from asbestos exposure in the Clear Creek Management Area through several pathways. Primary exposure occurs from offroad vehicle use, hunting, hiking and other casual uses. Secondary asbestos contact results from offsite transport by wind and water-eroded asbestos fibers that migrate over long distances. There is a risk of lung cancer from airborne asbestos particles that erode from mine disturbances at the Atlas Mine and other local mines, and from vehicle use on unpaved roads and trails.

However, despite a nearly decade-long remedial study of the Atlas Superfund Site, culminating in an \$8 million, 30-year remedial action slated for the Atlas Mine, it remains unclear to what extent controlling emissions or releases at the Mine Site will reduce public health risks within the larger Atlas Superfund Site, given the high volume and concentration of naturally-occurring asbestos throughout the Clear Creek Management Area.

EPA Actions: In February 1991, EPA notified BLM pursuant to CERCLA Section 120 that, as the owner of land underlying the Atlas Mine, BLM was a potentially responsible party (PRP) and liable for the estimated \$8 million Mine Site remediation. BLM disputed its responsibility for remediating the entire Atlas Mine since BLM neither controlled nor profited from the mining activities that occurred

under the 1872 General Mining Law. In August 1992, EPA entered into a consent decree with Atlas and Vinnell, who agreed to perform the remedial action for the Mine Site. EPA is pursuing BLM for \$1.1 million in past costs EPA incurred at the Atlas Mine. EPA has deferred taking any action in the Clear Creek Management Area pending BLM's revision of its management plan to minimize public exposure to asbestos. The plan is expected during 1993.

EPA has also notified BOR that it considers BOR to be a PRP at the Ponding Basin area of the Atlas Superfund Site because of BOR's operation of the San Luis Canal. However, in December 1992, EPA issued a Public Notice stating that EPA would take no further action in the Ponding Basin based on proposed management actions by BOR and the State to control air and water-borne releases of asbestos in the Ponding Basin.

Litigation:

In May 1991, Atlas and Vinnell sued the Department in the U.S. District Court for the District of Columbia (Vinnell Mining and Minerals Corp. and Atlas Corp. v. BLM, Civ. No. 91-1324 JHG), alleging that BLM is responsible under CERCLA Section 107 for remediation of a large portion of the Mine Site. The parties have reached a tentative settlement under which BLM will assume certain remedial activities at the Mine Site (revegetation, road and fence maintenance, and long-term operations and maintenance). Atlas will perform the remainder and majority of the remedy.

In July 1992, a \$10 million inverse condemnation lawsuit was brought against the United States by landowners in and around the Arroyo Pasajero Ponding Basin who allege a taking of their lands because of flooding and asbestos sedimentation, (Anderson Farms I, et al. v. United States, Cl. Ct. No. 92-492 L).

Program

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