

4
2, 1987



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
CALIFORNIA STATE OFFICE
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:

1703
CA-932

NOV 27 1987

Mr. John Wise
Deputy Regional Administrator
Environmental Protection Agency
215 Fremont Street
San Francisco, CA 94105

Dear Mr. Wise:

Since our meeting with you on August 30th of this year, I feel we have continued to improve coordination between our agencies regarding EPA's work at the Atlas Mine site. We agreed at that meeting to develop mutually agreed upon procedures to address coordination needed between our agencies between now and when the RI/FS is completed. These goals were reiterated in our September 9th letter to you and in your letter of October 13th to us.

We feel it is now essential to have an agreement between our agencies. We have found from past experience with this issue that both agencies, even with the best of intentions, have difficulty maintaining adequate communication when it occurs on an informal and sporadic basis. Misunderstandings have occurred due to the complexity of the issue, the number of related actions taken by EPA which could affect the BLM, and uncertainties about the responsibilities each agency has in this area. Both of our agencies have important public trust responsibilities and these can be conducted more smoothly and effectively within the context of an agreement.

We recognize EPA's authority, under CERCLA and SARA, to take actions at the Atlas Superfund Site. As land manager for much of the valley, BLM has responsibilities to protect resources and public health under legislative mandates as well as under specific land use plans developed for the area. In summary, the efforts of both agencies would be more productive and more fully coordinated if conducted within an agreement. Progress in these areas would provide a more cooperative framework for discussions at the completion of the RI/FS.

We are unable to enter into a more specific agreement because a legal review of BLM's potential responsibility is being conducted by the DOI Office of the Solicitor and the Department of Justice. BLM is giving high priority to resolving legal questions, but we do not know when this will be completed. Until resolution, however, we cannot enter into any

agreement which assigns liability nor can we commit funds for actions completed or planned by EPA. Therefore, we have not included any issues in this agreement which will ultimately be considered in determining liability. We propose instead to limit this agreement to items that would facilitate interagency coordination for the immediate future.

First, I designate a project manager for BLM who will be the primary contact between the California State Office and Region IX of EPA.

Second, BLM will participate actively in the development and evaluation of alternative remedial actions during the feasibility study. For this purpose, BLM will assign an individual the responsibility for participating on EPA's study team. In support of this participation, EPA will provide BLM with data and models used in the Remedial Investigation upon BLM's request.

Third, BLM will participate in implementing EPA's Community Relations Plan. For this purpose BLM will assign a public affairs specialist to work with EPA's staff in the preparation of fact sheets, in the organization and conduct of agency and public meetings, and in the conduct of related actions.

Fourth, BLM will assist EPA in investigating the identities of potentially responsible parties associated with the Atlas Mine site and EPA will periodically inform the BLM project manager on the progress of this effort.

Fifth, BLM will continue to implement actions to minimize soil erosion and adverse public health impacts in the region of the Atlas Mine site in accordance with the Hollister Resource Management Plan (8/6/84) and the Clear Creek Management Plan (3/19/86). In addition, BLM will proceed to implement, through its normal annual work planning process, the specific measures identified in the attached Appendix.

Sixth, EPA will periodically inform the BLM Project Manager on the progress of the King City Asbestos Company Mine Preliminary Assessment and will provide a listing of additional mine sites in the valley that are of concern to EPA.

As an overall point about the RI/FS activities for the Atlas Mine site, I want to re-emphasize BLM's concern that the evaluation of potential remedial actions should take fully into account the regional setting of this site and the downstream management actions of other government agencies. The wide distribution of asbestos in the soils of this region, the historical and continuing natural erosion in this region, as well as historical mining activities throughout the region are circumstances indicating that an areawide approach to remedial actions will be necessary to protect public health in a cost effective manner. Accordingly, any remedial actions must address the problem on an areawide basis. This approach would involve other concerned government agencies, including the U.S. Bureau of Reclamation, the California Department of Water Resources and the California Regional Water Quality Control Board (Central Valley Region) and would be consistent with the view of these agencies that the asbestos-related problems in the Arroyo Pasajero need to be addressed on a coordinated, areawide basis.

In closing, I request your concurrence on the above proposal. Please return a copy of this letter with your signature. I have designated David Howell, Hollister Area Manager, as the Project Manager for BLM. He will remain in close contact with EPA's Project Manager to coordinate the future actions of our agencies.

If you have any questions about this letter, please contact me. I am optimistic that we can reach agreement on how best to achieve the mutual goals of our agencies with respect to the Atlas Mine site and the broader asbestos-related problems in that area.

Sincerely,



Ed Hastey
State Director

1 Enclosure
Appendix (1 p.)

cc:
DM, Bakersfield
AM, Hollister
WO 509, Room 3061, MIB

I concur:

John Wise, Deputy Regional Administrator

APPENDIX

ATLAS ASBESTOS MINE PROPOSED MEASURES

The following measures are proposed for implementation. The primary objective of these measures is to limit public exposure to concentrated airborne asbestos dust in the vicinity of the mine site.

Current Situation - The mine site area is currently closed to off-road-vehicle (ORV) use. There is not public access to the south side of White Creek Road. There are approximately ten standard BLM "closed to off-road-vehicle" signs in the mine site area. There are no signs indicating any health hazard. Numerous fresh vehicle tracks exist throughout the mine site indicating widespread violation of existing ORV restrictions. Where vehicle use has occurred recently, there is a fine powder asbestos dust surface.

Proposed Action - The Proposed Action is to install barriers and increase patrolling activity to make the existing closure against ORV use more effective. The White Creek Road which bisects the site would remain open to vehicle use. Additionally signing would be installed and maintained to assure that all individuals entering the area are aware of the potential health hazards. The following actions are necessary to successfully implement the Proposed Action:

- 1) Construct a fence on both sides of the White Creek Road in areas where there are no physical or vegetative barriers to keep vehicles out of the mine site.
- 2) Install signs in the vicinity of Spanish Lake and at the lower gate on White Creek Road warning visitors of the potential health hazards.
- 3) Install physical barriers and signs explaining closure at approximately 39 vehicle routes which provide access to the mine site (includes helicopter flight to assure that all vehicular access routes are identified).
- 4) Install hazard warning signs every 150 feet around the perimeter of the mine hazard area (approximately 94 signs).
- 5) Increase law enforcement and use monitoring patrols. Patrols would be conducted by BLM Park Rangers.
- 6) Deny any Special Recreation Permit applications for events that transect this area.
- 7) Maintain signs and fences on an ongoing basis.

MM
10/22/87



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
215 Fremont Street
San Francisco, Ca. 94105

13 October 1987

| To | Initial | Date |
|----------|---------|------|
| 1 SD | ED | |
| 2 ASD | 24 | |
| ADMIN | | |
| 3 RES | | |
| OPER | | |
| PA | | |
| Minerals | | |
| EEO | | |

Res - After
you 5 saw with
have directed
TH - LET'S DELEG
IN FROM DATA -
EJ

Action by 3
Surname by _____
Return to _____

10/30
11/9

Mr. Ed Hastey
State Director
Bureau of Land Management
2800 Cottage Way, Room. E-2841
Sacramento, CA 95825

Re: Atlas Asbestos Mine Site
Property Owned by Bureau of Land Management
Coalinga, California

Dear Mr. Hastey:

I would like to express my appreciation for you and your staff taking the time to meet with John Wise and EPA staff on August 31. The meeting was very informative for both BLM and EPA.

As we discussed, the Atlas Asbestos Mine (located near Coalinga, California) has been designated as a Superfund site by the U.S. Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et. seq. (CERCLA). This letter informs you about the Superfund process in general, EPA's actions at the Atlas Asbestos mine, and BLM's status as a responsible party.

Once an area is designated a Superfund site, the following process is implemented. First, the site is thoroughly investigated in order to quantify the amount of hazardous material at the site and to quantify the risk that the material poses to the community. Activities which eliminate or minimize the risk will also be identified at that time. This activity is called the Remedial Investigation/Feasibility Study (RI/FS). After the RI/FS is completed, EPA will decide which cleanup remedy is needed. Once the cleanup remedy has been chosen, it is designed and implemented. The entire process may take several years, so if an immediate health threat is discovered, emergency response actions can also be taken to eliminate or minimize the threat.

EPA is currently conducting the RI/FS at the Atlas Asbestos site pursuant to Section 104 of CERCLA, and will continue such activities unless we determine that a responsible party will properly conduct the study in a manner consistent with the National Contingency Plan (Title 40, Code of Federal Regulations, Part 300) and EPA's RI/FS guidances.

Responsible parties under CERCLA include current and past land owners and operators, as well as persons who generate the hazardous substances or were involved in their transport, treatment, or disposal. Based on public records concerning ownership of the site, EPA believes that BLM may be a responsible party. More specifically, these records show that the Bureau of Land Management owns the Atlas Asbestos site.

Under Section 106(a) and 107(a) of CERCLA, responsible parties may be required to implement any needed response to a release or threatened release of a hazardous substance to the environment, and be may liable for expenditures for investigation, planning, cleanup of the site, and enforcement. With the reauthorization and amendment of CERCLA on October 17, 1986, these requirements have taken on new significance. For the first time, it is explicitly clear that Federal Agencies are required to implement CERCLA programs at all NPL sites in a manner consistent with all EPA guidelines, rules, regulations and criteria (see CERCLA Section 120). By this letter, EPA notifies BLM of potential liability with regard to this matter and encourages BLM to assist EPA in undertaking the RI/FS and prepare for undertaking cleanup activities which will be overseen by EPA.

EPA has determined that a release of hazardous substances, as defined by Section 101(14) of CERCLA, has occurred at the Atlas facility. At the present time, asbestos, chromium, and other metals have been found in soil, air and surface water samples at the site. The site has been identified as a probable source of waterborne asbestos in the California Aqueduct and as a source of ambient asbestos in air samples taken near the site and in the town of Coalinga. As a result of such contamination, users of surface waters of Los Gatos Creek, California Aqueduct users, residents of Coalinga, Huron and Avenol and wildlife in the area may potentially be exposed to the contaminants in levels harmful to human health or the environment. In addition, the potential exists for

direct public exposure to highly contaminated soils and/or surface waters in unsecured areas of the site.

EPA is now considering further response actions in the area. This letter invites BLM to participate in these activities by assisting EPA. Studies which must be conducted to address the situation at the Atlas Asbestos site include:

1. Further investigations to identify the local meteorological and geological characteristics and to define the nature and extent of soil, air and surface water contamination at the site; and,
2. Feasibility studies to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site.

During and/or after completion of the above studies, BLM may be asked to undertake, or may be liable for, implementation of corrective measures necessary to protect the public health, welfare, or the environment. Such measures may include, but are not limited to:

1. Diverting streams around the mining overburden and tailings piles to reduce erosion;
2. Designing and implementing the EPA-approved final remedy; and
3. Providing any monitoring and maintenance necessary after remedial measures are completed.

In addition, EPA would like to discuss having BLM implement interim corrective measures to secure the site in order to prevent any contact with any hazardous substances that may be present at the site. Specifically, EPA would like BLM to install at least a 6-foot high locked pipe panel gate across all access roads, set deep in concrete during November, 1987. To further reduce the potential for unauthorized people to gain access to the site, signs should be posted on the road leading to the site that give a warning of the asbestos waste per EPA's specifications. These signs should be at least 4 by 3 feet in size and should be in English and Spanish.

As we discussed, EPA would like to meet regarding these issues with you or your staff so that EPA and BLM can have a mutual understanding of how BLM will participate in future investigations and cleanup activities. A commitment to remain consistent with EPA RI/FS guidances and policies must be made through an interagency agreement. To that end, my staff will be sending you a draft interagency agreement in October.

We would appreciate a response, in writing, within 20 calendar days from receipt of this letter, indicating BLM's willingness to participate in the RI/FS. EPA may later invite BLM to undertake the design and implementation of the selected remedy upon our completion of the RI/FS.

In your letter, please indicate the appropriate BLM Project Manager name, address, and telephone number for further contact. Your letter should be sent to:

Jennifer Decker
Toxics and Waste Management Division
Mail Code T-4-3
U.S. EPA, Region 9
215 Fremont Street
San Francisco, CA 94105

In addition to this notification, EPA would like to obtain certain information from you to assist us in the RI/FS. We are interested in any information that you have on the following:

1. The total volume of asbestos, in cubic meters, and the methods used to generate, store, treat, dispose of, or otherwise handle the asbestos, and when and where this activity occurred. Please describe locations as precisely as possible; e.g., for on-site activities, specify where on the site the activity took place. This information should include, but not be limited to, information pertaining to ponds, tanks or other units which were historically used to store or dispose of hazardous substances but which no longer exist, and information, including correspondence between BLM, the Atlas Asbestos Company or other parties, pertaining to any wastes which were or are now being discharged from the mine facility into a pond or other areas within the adjacent property.

2. Any photographs, maps, or diagrams, regardless of their date, which are in the possession of BLM or any of its divisions or contractors, which show the mine facility, adjacent areas of the neighboring mill, drainage patterns, or areas on which hazardous substances have been or may be located including transportation to off-site areas.
3. The identity of any other person or persons, as defined in CERCLA Section 101(21), who you believe may have any information, documents, or other materials addressed in the preceding three paragraphs, and a brief description of the information you believe they may have.

In responding to the above request, please describe the types of records that were maintained by BLM, including the date of the records, the author of the records, the current location of the records, and the current custodian and all efforts that were taken to identify these records. If, in responding to the above request, information was obtained through employee interviews, indicate so in your letter and provide the names of the employees interviewed. We would appreciate receiving your response to this request for additional information as soon as possible, but within 30 days would be very helpful to us.

We look forward to working closely with the BLM staff in the future. Should you have any questions regarding the site or this letter, please feel free to contact Jennifer Decker, the Remedial Project Manager, at (415) 974-8161 or myself at (415) 974-7460.

Sincerely,



Jeff Zelikson
Acting Director
Toxics & Waste Management Division

cc: John Wise, Deputy Regional Administrator
Jon Wactor, Office of Regional Counsel, EPA Region 9
Jennifer Decker, Remedial Project Manager, EPA Region 9
Director, Office of Waste Programs Enforcement, EPA
Jeanine Jones, California Department of Health Services
Gary Carozza, Fresno County Health Department/APCD
Lonnie Wass, Regional Water Quality Control Board

Keyall, since I know what a judgment fund is. **DRAFT**

JCS 4/21/96

Prepared for: AD Hord Tipton 6/18/96 Internal Working Document

SUBJECT: Atlas Asbestos Mine Site, Holister Resource Area, California

ISSUE SUMMARY: The Atlas Asbestos Mine Site covers 435 acres near Coalinga, California. The mine operated from 1963 to 1979 to produce asbestos material for industrial use. The site was listed on EPA's National Priorities List (NPL) in 1984.

see 1 ->

call stick

The identified, viable potentially responsible parties (PRPs) are Atlas Asbestos Company and Vinnell Mining and Minerals Corporation (A&V). The Bureau of Land Management (BLM) and the Bureau of Reclamation (BOR) have been identified as PRPs by the U.S. Environmental Protection Agency (EPA). A&V contend that BLM is responsible for at least one-third of the remediation costs based on its ownership and on its alleged control of the mine site. A&V has proposed entering into a judicial consent decrees with BLM that would be enforceable by the court, not EPA.

2 ->

DOI/BLM POSITION: ~~PRPs are being pursued actively by the Bureau.~~ EPA is now encouraging the BLM to move from the revegetation study stage to the actual revegetation. EPA want us to revegetate between 35 and 55 acres at the site. With a forecast of the cost of revegetation per acre at \$100,000, the Bureau is proposing that the revegetation area be between 15 and 20 acres. EPA and the Bureau are negotiating on the acreage still.

BACKGROUND: In 1991, EPA notified BLM that it was required to enter into a CERCLAS Section 120 Consent Decree. BLM would not agree to a such a decree due to concerns that BLM might be held liable for cleanup of the entire site and that EPA would pursue BLM for reimbursement of past costs associated with the site.

3 ->

EPA has notified BLM that it is seeking reimbursement for past expenditures of over \$1 million at the site for oversight (these costs are not associated with the proposed Consent Decree). BLM has renegotiated this amount down to \$150,000 in oversight costs for the period of 1983 to 1993. There is an additional repayment of oversight costs due to EPA for the 1994-1995 period; \$30,000 is the estimate.

4 ->

In 1991, A&V filed a lawsuit against BLM for recovery of past and future costs associated with the Atlas remediation. Many of the terms in the proposed settlement agreement with A&V already are being carried out by BLM. BLM management, the DOI Solicitors, and the U.S. Department of Justice (DOJ) agree that the proposed settlement by A&V is probably the best that can be arranged. There is a question about what legal authority exists whereby the BLM can reimburse A&V for stipulated penalties and associated legal cost incurred if BLM fails to perform. A&V is looking for a mechanism to invoke injunctive relief in case of BLM failure to perform. The DOI Solicitors Office is preparing the legal analysis needed to document precedent that will allow this type of settlement. DOJ is waiting for the DOI Solicitor's legal analysis.

18% over sight for reveg road patrol

5 ->

POSITION OF CONSTITUENCIES: Major constituencies at this site are the State of California and its various related agencies and the EPA. In addition, the proximity of the Clear Creek area which is a major recreation site for off-road-vehicles and motorcycles has led to interest from the recreationists.

Who is doing this?

6 ->

CONTACTS: Lynne C. Sendejo, WO-360, 202-452-5059; Dick Forester, BLM, California, 916-979-2880.

830 Lawyers - local & D.C.

Project Manager - local -

Jim Moore Holister local

Jemi Berger Regional Asst. Solicitor

w/ Forester 4/21/96

National Priority List Site

Summary

The Atlas Asbestos Mine, located about 20 miles northwest of Coalinga, Fresno County, California, was abandoned in the 1970's. An open pit mine and mill tailings, covering a total of 400 to 500 acres of Public Land, and a mill located on 10 acres of private land remain. The site was placed on the National Priority List (NPL) by the EPA in 1984. A Remedial Investigation and Feasibility Study (RI/FS) of the site is currently underway with a final document and Record of Decision expected no earlier than May, 1989. Some 15 entities have been identified as Potentially Responsible Parties (PRP). These include the Bureau of Land Management, and private companies involved in the extraction, transportation, and storage of the asbestos. Entities associated with the deposition and subsequent disturbance of asbestos particles on farmlands to the east of the Atlas Mine Site near the Arroyo Pasajero and California Aquaduct have not been cited as PRPs. Liabilities of the respective parties, and financial responsibilities of each have not been established. Once the remedy selection is made, clean up can begin within a year. Although the RI/FS is not complete, preliminary estimates of the costs of the preferred alternatives to clean up the site range from \$5 to \$10 million, depending on which remedial action or actions are ultimately necessary. The Bureau's portion of this has not been established.

Background

There are approximately 80 abandoned mines located in the asbestos-bearing New Idria Formation which covers at least 50 square miles in the Hoelister R.A., California. Roughly 50 of these mines are located on public lands. Two of these abandoned mines, the Atlas Mine on Public Land and the Coalinga Mine on private land, have been identified by the EPA as hazardous materials release sites, and were placed on the National Priority List in 1984. Sites placed on the National Priority List are those deemed by the EPA to have the greatest potential for adversely affecting human health and safety. The initial designation of these as NPL sites was apparently based on the assertion of risk to drinking water from nonpoint source runoff of asbestos from the two mines into Los Gatos Creek, an intermittent stream.

The EPA has indicated (subsequent to initiation of the RI/FS) that air pollution has been caused by particles of asbestos that have eroded from the NPL sites and been carried by runoff in the Los Gatos Creek watershed through several square miles of the New Idria Formation, and later deposited in the vicinity of the Arroyo Pasajero and the California Aquaduct. EPA theorizes that during the wet season water from these streams ponds behind dikes associated with the California Aquaduct and deposits asbestos laden sediments annually on the adjacent farmlands in the valley floor. Cultivation of these sediments results in apparently widely dispersed asbestos bearing dust clouds. The airborne asbestos is a potential cause of lung cancer. Neither the owners/operators of the farmlands in question nor the Bureau of

Reclamation and California Department of Water Resources, who are jointly responsible for the California Aquaduct have been identified as potentially responsible parties.

The EPA is also conducting regional asbestos contamination studies on three additional river drainages which flow through the New Idria Formation. Results of these studies are expected a few months after completion of the RI/FS for Atlas. Recommendations resulting from these studies could result in additional costs of hazardous site clean up for the Bureau of Land Management.

CERCLA

CERCLA Section 120 generally requires that federal agencies carry out certain actions once a hazardous substance release site on federal land is designated for placement on the National Priority List (NPL) for Superfund Sites. These include completion of a Remedial Investigation/Feasibility Study (RI/FS) and Record of Decision, negotiation between responsible parties regarding allocation of cost of implementation of the strategy for remediation; development of a remedial design for the site followed by remedial action within 15 months of the selection of the remedy; and, long term monitoring of the site. The Atlas site is rather different, however, because it is partially on private lands and because the release, if shown to exist, was created by private parties acting on their own behalf.

Remedial Investigation/Feasibility Study

The EPA initiated an RI/FS in 1985 to evaluate the Atlas and Coalinga Mine Sites to quantify the amount of material and the risk that the material poses to the community, and to identify the actions needed to eliminate or minimize that risk.

Technical data models and the risk assessment which EPA used to support this RI/FS have not been provided to the Bureau of Land Management in a timely enough fashion to permit reasonable review under EPAs current schedule. In fact the BLM has received some information only in summary format. No information has been provided on risk assessments. Information contained in the RI summary and other sources indicates that the available data cannot differentiate between asbestos pollution from the 400+ acre Atlas Mine site on public lands, the Coalinga mine on private lands, and asbestos pollution from natural erosion on surrounding private and public land. EPA has indicated there are significant analytical problems working with asbestos including quantification of air and water pollution, and that resultant data limitations may severely constrain the accuracy of the models used to track the asbestos particles in the environment and to complete a viable risk assessment and develop appropriate remedial alternatives to protect the public.

Because the RI/FS is not completed, it is not possible to precisely define which actions will be required for site clean-up. The 9 proposed alternatives in the preliminary draft of the FS address only the Atlas Site. The Coalinga site is addressed under a separate agreement for remedial action between EPA and the Responsible Party for that site. The farmlands in the vicinity of Arroyo Pasajero, which are the potential air pollutant source, are not

addressed in the proposed alternatives even though they were discussed in the Feasibility Study. It is anticipated that required cleanup actions at Atlas Mine site may include contracting for the design and construction of surface hydrology changes, fencing of the site, paving (sealing) and closing roads, surface contouring, impoundment of run-off and experimental revegetation of the site.

The selection of the appropriate cleanup alternative by EPA will not take place until at least May, 1989. From the date of that decision, the responsible parties have 90 days to allocate liability among themselves. No specific amount for BLM actions will be known until then. CERCLA Section 111(e) prohibits the use of Superfund monies for cleanup of federal facilities, but the law is not specific regarding mixed land ownership. However, EPA's informal summary of the costs for the remediation of the New Idria Formation area, including the Atlas and Coalinga Mine sites, but excluding the three river basins still under study, range from \$600,000 to \$250 million. EPAs "preferred" alternatives are conservatively estimated to cost from \$5 to \$10 million.

Current Status

The BLM California State Office is taking necessary measures to limit access to the site and to monitor site conditions on a regular basis until completion of the RI/FS.

Currently, the BLM is working closely with EPA to assist them in the development of final alternatives for remediation to be included in the draft RI/FS. These discussions also involve at least two of the 15 PRPs previously identified.

Bureau Responsibilities and Concerns

If the problem is addressed under Section 120 of CERCLA, within 15 months of the selection of the alternative and completion of the negotiations, the BLM must have a substantial continuous, physical, on-site remedial action underway. If EPA's schedule is maintained, the remedial action must be underway by August, 1990. This could mean that internal funding adjustments and/or Supplemental funding requests may be required later.

The BLM is concerned about setting a precedent of the BLM (and the Federal taxpayer) being forced to pay for clean up of all of the abandoned mines on the public lands, and then having to pursue the private responsible parties in court for the recovery of Federal costs. The cost to the Federal Government in direct appropriations (not superfund) could easily be in the billions of dollars. It is important in terms of justice and fiscal responsibility that EPA and other regulatory agencies recognize that, where viable responsible parties are still available, these private parties should be sought first to pay for the clean up. It is not cost effective to place BLM on any other Federal agencies in the position of having to pay for cleanup on the basis of its trustee role under the Mining Law of 1872, and then have to sue to recover the costs of such cleanups from the private companies that actually placed or released the hazardous substance on Federal land.