

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

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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 or 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.