

1991 APPROPRIATIONS HEARINGS

TOPIC: Hazardous Materials Management

ISSUE: Atlas Asbestos Mine Site

BACKGROUND:

- o EPA designated the Atlas Asbestos Mine site as a National Priority List site in 1984.
- o The Atlas site covers 400 - 500 acres of land, most of which is public land. There are approximately 50 other abandoned asbestos mines on public lands in the same area. One mine located on Public Land is intermittently active.
- o Major concern for public health and safety is the potential for releases to air and surface water resulting from mining, recreation, farming, and natural erosion.
- o EPA initiated an RI/FS in 1985. The study is expected to be published, with a Final Record of Decision in Sept. 1990. Eight alternatives for remediation of the site include: design and construction of surface hydrologic changes, fencing of the site, paving (sealing) and closing of roads, surface contouring, impoundment of run-off, experimental revegetation of the site, and closing the management area to intensive public use.
- o EPA has indicated there are significant analytical problems in working with asbestos, including quantification of air and water pollution. Resultant data limitations tend to constrain the accuracy of the models used to track asbestos particles in the environment, making it difficult to complete an accurate risk assessment, and to develop appropriate remedial alternatives to protect public health and the environment.
- o Fifteen Responsible Parties (RPs) involved with the extraction, transportation, and storage of asbestos have been identified in association with this site. Those associated with the deposition and subsequent disturbance of asbestos particles on farmlands to the east have not been cited as RPs.
- o Liabilities and financial responsibilities have not been established for this site. This will occur after the Record of Decision is issued. The estimated cost of the EPA-preferred alternative cleanup is about \$4 million. After selection of the appropriate cleanup alternative by EPA, the cited RPs have 90 days to allocate responsibility among themselves.
- o BLM has taken the position of an innocent landowner in the case and EPA has apparently accepted this position. Consistent with this position, BLM has acted to control all access to the site and, of course, BLM will have to continue this action through monitoring of trespass and site conditions over time.

- o BLM must consider amending the Resource Management Plan for the Clear Creek Area to assure consistency with the EPA proposed Risk Control Plan. It is expected that this plan amendment will cost about \$100,000. BLM is also developing new intensive monitoring of the mine site. Specific costs for these activities have not yet been completed pending the EPA review process.
- o CERCLA 111(e) prohibits use of Superfund monies to cleanup federal facilities. However, the law is not specific regarding situations where there is mixed land ownership.
- o Bureau is concerned about precedent of having BLM (taxpayer) pay for clean up of all of the abandoned mines on public land and then seeking cost recovery. BLM believes it is important that EPA and other regulatory agencies recognize that where viable RPs are available, these parties should be looked to first for payment for the cleanup.
- o BLM recognizes its management responsibilities as part of the land use plan for the Clear Creek Management Area; the agency has already taken the necessary measures to limit access by fencing the site and to monitor the site conditions on a regular basis until completion of the RI/FS.
- o There is \$300,000 included in the 1991 budget request for possible BLM actions at the site.