

CONSTITUENT REQUEST

DATE: 7/24/91

STAFF MEMBER: MKB

CONSTITUENT NAME: Mr/ Bill Russell

ADDRESS: 66 Meridith Way
Watsonville, CA 95076

PHONE: 728-4165

Position/A AAAA Information/B _____ Bill Status/C _____ Document/D _____

VIEWPOINT OR REQUEST

Issue/Subject closing of Clear Creek area by the EPA because of the asbestos that is there

Mr. Russell said that he objects to the proposed closing of the Clear Creek area because of asbestos contamination. He said that this asbestos, which is there naturally, is not the kind that causes health problems. He said that this is crystalite asbestos.

He said that he rides a motorcycle in this area, off Highway 125, Coalinga Road and Bitter Water Road out of King City, and feels that this area should not be closed.

Atlas Asbestos / CCMA

DATE: 05/22/2008 at 01:09:00 PM

BRIEFING FOR: CONGRESSIONAL COURTESY BRIEFING

PREPARED BY: George Hill Assistant Field Manager/S.R.M.S. 831 630-5036

FROM: Rick Cooper Area Manager 831 630-5010

SUBJECT: CLEAR CREEK MANAGEMENT AREA RMP

PURPOSE OF THE BRIEFING DOCUMENT:

To indicate the status of the resource management plan and the affects of EPA's risk assessment on the plan.

ISSUES:

Current Status: EPA released a report titled "CCMA Asbestos Exposure and Human Health Risk Assessment" on May 1, 2008. The results of the EPA report indicate that virtually all CCMA visitor use activities could expose the public to airborne asbestos emissions above the acceptable risk range and cause excess lifetime cancer risk greater than 10^{-4} . This level of exposure is by regulation (CERCLA) the point at which management actions to reduce and minimize the risk to public health and safety are required when dealing with a generated hazard. As a result of the findings in the report, on May 1, 2008, a Closure Order was signed and BLM implemented an immediate temporary closure of the CCMA to protect public health and safety, while BLM considers these risks in the ongoing EIS/RMP planning process to determine long term public use for this area. The Interior Board of Land Appeals also issued an order that the Closure Order is immediately in full force and effect. This closure will remain in effect until signing of a ROD for the RMP. Land use decisions contained therein will supercede the temporary closure. A great deal of public controversy has been generated by the temporary closure as evidenced at three recent public meetings held subsequent to the closure. EPA's risk assessment report will be a key factor in developing a range of alternatives and influencing decisions affecting future public use of the CCMA.

Naturally occurring asbestos (NOA) is not normally regulated. However, asbestos in CCMA is regulated under state and federal law because the release of asbestos into the environment caused by human activities (i.e. road maintenance, construction, public use activities) may pose a significant health risk. Exposure to airborne asbestos is of particular concern for children and young adults.

EPA included the CCMA as an operable unit in the 1991 record of decision (ROD) for the Atlas Mine Superfund Site. This designation was made pursuant to CERCLA, which states that "the president is authorized to take response measures consistent with the national contingency plan (NCP) which are deemed necessary to protect the public health or welfare or the environment."

In response to public comments on the Atlas ROD, EPA stated "that an imminent and substantial endangerment to the public health may exist when OHV use occurs in the CCMA. CERCLA Section 106 gives EPA the authority to abate such an endangerment. This authority has been used at many Superfund sites as a basis for restricting access. EPA is required to consider nine criteria in evaluating alternative remedies. One criteria is that remedies be protective to human health and the environment."

Under CERCLA (and the NCP) the criteria for 'overall protection of human health and the environment' says: "Alternatives shall be assessed to determine whether they can adequately protect human health and the environment, in both the short and long-term, from unacceptable risks posed by hazardous substances, pollutants, or contaminants present at the site by eliminating, reducing, or controlling exposures to levels established during development of remediation goals consistent with Sec. 300.430(e)(2)(i)." Sec. 300.430(e)(2)(i) states, "For known or suspected carcinogens, acceptable

exposure levels are generally concentration levels that represent an excess upper bound lifetime cancer risk to an individual of between 10^{-4} and 10^{-6} using information on the relationship between dose and response."

MAIN DECISION OR MESSAGE:

BLM's priority is the protection of public health and safety in the utilization of its public lands. Based on the potential for asbestos exposure to CCMA visitors (and BLM employees) above EPA's "acceptable risk range," BLM must develop feasible land-use alternatives in a RMP/EIS for CCMA public lands that consider public health and safety, liability issues, and meet legal requirements with regards to human health risks from exposure to asbestos.

BUREAU PERSPECTIVE:

BLM published a notice of intent to prepare the CCMA Resource Management Plan and environmental impact statement on September 6, 2007. The purpose and need for the CCMA RMP/EIS is to re-evaluate and establish BLM goals and objectives that address current issues and conditions, provide for balanced stewardship and conservation, and direct the sustainable management of the CCMA in a manner that contributes to the quality of life for present and future generations. The RMP will incorporate the results of the EPA Human Health Risk Assessment and analyze alternatives to minimize and reduce the human health risk from exposure to asbestos from visitor use in CCMA to ensure the public health and safety. RMP development will be conducted with full public involvement for all interested parties to develop management actions best suited to the resources and the needs of the public.

CONTACT:

George Hill
Sky Murphy

Assistant Field
Manager/S.R.M.S.
Contact Representative

831 630-5036
831 630-5039

Created 09/27/2007 08:43 AM PDT by George Hill
Modified 05/22/2008 12:17 PM PDT by George Hill
History 1. 03/07/2008 11:41 AM PST by Sky Murphy
2. 03/07/2008 01:09 PM PST by Sky Murphy
3. 03/10/2008 02:15 PM PDT by John Dearing: changed date to
reflect update rearranged paragraphs created current issues
paragraph changed "briefing for" line
4. 05/22/2008 12:17 PM PDT by George Hill