



# United States Department of the Interior

WPG2007R

BUREAU OF LAND MANAGEMENT

STATE OFFICE

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Sacramento, California 95825

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5-30-84

MAY 25 1984

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CC:	_____
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Judith Ayres, Regional Administrator  
U.S. Environmental Protection Agency  
215 Fremont St.  
San Francisco, California 94105

Dear Ms. Ayres:

We appreciate the opportunity to review the Remedial Action Master Plan (RAMP) for the Atlas Asbestos Company site. The information contained in the document is very enlightening and has made us aware of the lack of data regarding the level of hazard from waterborne asbestos. This lack of information has made us concerned as to process utilized in elevating this site to "Superfund site status."

To elaborate on this point, first, the "hazardous substance" of concern in the area is asbestos with the exposure route of concern being ingestion through drinking of water. Yet, your contractor points out that although "asbestos fibers are definitely carcinogenic" (via inhalation), "few studies have examined the health effects of waterborne asbestos and the results of those are inconclusive. ...Conclusive data are not yet available linking waterborne asbestos with adverse health effects. No water quality standards have been implemented for asbestos as EPA does not yet have enough data on adverse health effects of waterborne asbestos."

So, at best, we do not know if the material at the Atlas site is actually hazardous to the downstream users. This point concerns us, since although "CERCLA" grants broad authorities to EPA in the Sec. 104a(2) definition of "pollutant or contaminant," it leads us to question the validity of the model utilized in determining that the Atlas site should be elevated to the "National Priority List."

We would like to know why, in the absence of conclusive information as to the hazards of waterborne asbestos and in light of this study, your agency would continue to pursue listing this site on the NPL, expending superfund money to clean up a site that is not conclusively a problem.

*Post - I've attached 3 4/2/85 documents 1st BLM comments on our RAMP; 2nd our agenda + focus presented at a meeting with BLM; 3rd the BLM comments to our sampling + F.S.*

Richard Wm. Martyn  
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US Environmental Protection Agency  
215 Fremont Street  
San Francisco, CA 94105

Also, with this information lacking, the contractor is unable to show a threshold dose for drinking water, i.e., an acceptable level of asbestos fibers in the drinking water below which no deleterious effects are found. It is incomprehensible how any further studies can be conducted to mitigate the hazard when (1) you do not know if there really is a hazard, and (2) if there is a hazard, "what is the level of asbestos the aqueduct needs to be brought to mitigate the hazard." A standard should be developed prior to initiation of any further studies or the data will be meaningless to provide a comparison for evaluation.

We had hoped that this document would provide us with information as to the extent of the problem contributed by the Atlas site. It is imperative that a determination be made on whether this site contributes a "significant" amount. Prior to the initiation of the Remedial Investigation/Feasibility Study (RI/FS) an amount should be determined that is considered "a significant contribution." Then, when Phase I is completed, the data can be thoroughly analyzed to see if a "significant amount" is contributed to the aqueduct from Atlas. If not, further studies should not be authorized under the guise of "Atlas Asbestos Company Superfund Site." No task force should be formed for Phase II at this point unless it can clearly be shown that the Atlas Mine is the source of concern, i.e., the Phase II study should be conditioned upon the determination that the contribution from the Superfund site is greater than a certain percentage, to be determined prior to initiation of the RI/FS. If it is determined that the Atlas sites contribution is insignificant compared to that occurring naturally, we will consider the study to be a preponderance of evidence, and will defer to CERCLA Sec. 107(b) "Liability" which states:

"There shall be no liability under...this subsection for a person otherwise liable who can establish by a preponderance of the evidence that the release of a hazardous substance and the damages resulting therefrom were caused solely by - (1) an act of God, (2) an act of war (3) ....."

One interesting sidelight on "liability" is the identification of the "State of California" as the sole owner of the Santa Cruz Mill Site. It would seem appropriate in the "Background" and "Site History Section," if there was a more definitive discussion of "responsible parties" and what efforts have been made to contact them, and what future actions were planned in this area.

The following comments are page specific and therefore less general in nature:

Pg. 1-4, paragraph one - "analyses will be confined to the Atlas site only,"

What are the boundaries of the Atlas site? These must be defined before any meaningful data may be obtained from any analyses. The mill site proper only involves ten acres, tailings many more acres, and the total area of disturbance associated with the Atlas operation involved 189 claims involving several hundred acres.

Pg. 3-7, What agencies are included by the statement "team members, including EPA and state staff, will attend a kickoff meeting with appropriate agency personnel."

Pg. 3-8, Subtask 1-3, Review Site Health and Safety Plan

The site and Safety Plan prepared by Ecology and Environment, Inc. What does this Plan entail? How does it affect the general public and/or agency personnel?

Pg. 3-16, Subtask 3-2, Soil Sampling and Analysis

In this proposed subtask, Figure 3-4 suggests that a very limited area sampling approach is to be used. While this will obviously give an indication of point source composition, it does not allow for a true assessment of naturally occurring asbestos throughout the ore body. As a consequence, little or no perspective is developed for the total contribution of waterborne asbestos.

Pg. 3-18, Subtask 3-2, Soil Sampling and Analysis

Three people per site seems excessive to do soil sampling; two would be adequate.

Pg. 3-18, Subtask 4-1, Literature Review and Risk Assessment

Money should not be expended on a "statewide" asbestos study. This should be limited in scope to the general area.

Pg. 3-19, Subtask 4-2, Site Hazard Evaluation

If the determination that the asbestos is not a hazard, then those tasks following this section should be unnecessary.

Figure 2-10

The figure implies that the whole serpentine body contains a high level of asbestos, which is not true. The serpentine body is not of uniform composition with many other mineral environments present.

~~Pg. 3-20, paragraph two.~~

It is difficult to understand the scope of limitation of the RI. This approach automatically assumes that the Atlas site itself is the principal source of the asbestos containment. A point source mitigation approach to alternatives development would be analogous to stopping one leak in a pot with many holes.

Pg. 3-20, paragraph four.

The Bureau being a principal land management agency in the area should be a participant in determining the practicality of alternatives during the RI review meeting.

Pg. 3-23, Subtask 6-4.

To be included in the analysis of all alternatives should be the aspects of monitoring and enforcement subsequent to implementation. Additionally, full consideration should be given to anticipated costs. Costs may translate to personnel salaries, maintenance, etc. This all relates to alternative practicality which is directly affected by the dominant land uses in the management area.

Pg. 3-27. "organization of the task force,....could be initiated at the start of the RI/FS process."

We recommend that this not occur until a determination that the "Superfund site is contributing a significant part of the waterborne asbestos problem." If this is not so, then all contracts under this Superfund project should stop.

Pg. 3-37 and 3-38, Section 3.4.2 and 3.4.3

It appears inappropriate for the RAMP contractor to evaluate treatment alternatives in basins where the asbestos source is not the Atlas Mine.

Pg. 5-15, Section 5.7 Impact Evaluation

"A definite health hazard from airborne asbestos exists to recreationists using the site for ORV activity. The concentrations of asbestos in fugitive dust created by ORVs have been shown to be sufficiently high—over OSHA standards for industry—that if inhaled frequently and on a regular basis, detectable health effects could be produced in some individuals. It appears to be an inconsistent federal policy to permit such high exposures on site while requiring industry to meet occupational standards and prohibiting visible emissions from plants using asbestos (65)."

It is true that fugitive dust created by ORVs produces levels of asbestos that exceed the OSHA standards but to compare the dosage a recreationist receives to an in-house daily exposure standard borders on the absurd.

To quote an EPA Draft Issue Paper on "Asbestos" prepared in 1976 prior to implementation of the current OSHA asbestos standard it states:

"OSHA in its new proposed regulation claims that there is evidence that five fibers/cc over an eight hour period per day is sufficient to cause lung diseases after 20 years of exposure."

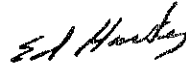
As you can see, occupational exposure standards developed for exposures over years cannot be compared to ambient levels or extremely short term exposure over hours. It is presumptuous of this report to evaluate the health effects of the ORV area without a more thorough analysis and totally inappropriate to make statements concerning "inconsistent federal policy." All activities in the area have been analyzed in compliance with NEPA, and the decision was made in light of all the available information.

Pg. 5-16, last paragraph, "Further data are also necessary to determine whether an environmental hazard exists off site and its extent."

Considering the comments on pg. 5-15, last paragraph, regarding the non-existence of water quality standards for asbestos, it would seem there is presently no distinction between one source and another on site or off site. Key to establishing a determinant as to hazards to be associated with asbestos content of water would be the establishment of a baseline level permissible. It would seem that such a course of action would be the very first step before an attempt was made to assess the relative hazard of any area.

A great deal of time and money has been spent and is planned on being spent on this site. We would like to meet with your agency to address our concerns at the earliest possible date. Please contact Ms. Lois Payne of my staff to make the arrangements.

Sincerely,



Ed Hastey  
State Director

EPA / BLM 11/29/84 10:00  
215 Fremont SF  
San Francisco.

Kirby Kline, BLM, Bakersfield

Marta Witt BLM Bakersfield

Alfred F. Johns SOL Sacramento

DAVID E. Howell BLM Hollister

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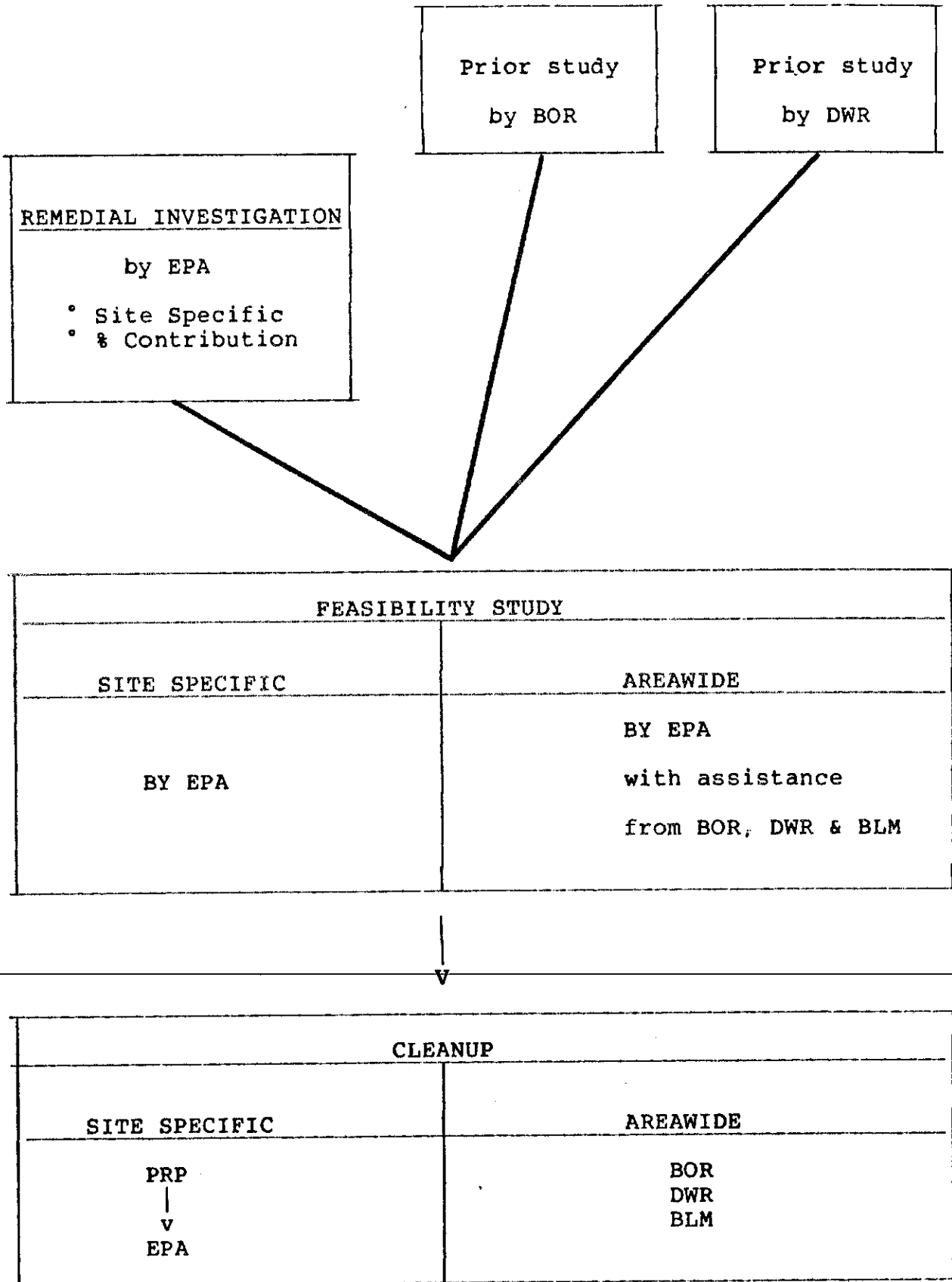
Harry Seraydaran EPA

Richard Martyn EPA

AGENDA  
ATLAS AND COALINGA ASBESTOS MINES  
November 29, 1984

- INTRODUCTION
  
  - CURRENT STATUS OF EPA ACTIVITIES
    - Approach to the sites
    - RI/FS Workplan
  
  - BLM CONCERNS
-

OVERVIEW OF ATLAS AND COALINGA GAME PLAN





- p. 31 The sampling of Jalacitos, Zapato, Chino, and Warthan Creeks will not provide a valid background comparison to compare with accelerated erosion from the Atlas Mine area because the soil mineralogy of the two areas is different. The asbestos ore body is only in the northern part of the Los Gatos watershed, thus sampling of streams in the southern part of the watershed will not describe the background asbestos levels, i.e., the asbestos does not occur in the southern part at the same levels as it does in the asbestos ore body area.
- p. 35 The assumption that stream velocities are high enough to keep asbestos-laden sediment and free asbestos fibers in suspension is not valid and we feel that a simple visual inspection of the drainages will demonstrate this; because asbestos fibers can be seen deposited in and along stream channels throughout the area. Sediment transport is a process whereby the particles move a distance and then are redeposited--sometimes in locations which will not be flushed for relatively long periods of time. It has been demonstrated many times with sediment delivery ratio curves that all the sediment detached within a watershed does not get carried from the watershed.
- p. 37 Subtask 4-1. The Risk Assessment need not "evaluate the relative magnitude and extent of waterborne asbestos in areas other than the California Aqueduct," i.e., other California water sources whose drainages may contain serpentine soils.
- p. 37 Subtask 4. The outside expert should determine a "safe" level to which mitigation efforts will be geared.
- p. 37 Subtask 4-2. This task appears to be critical. If the information gathered does not support a health hazard, the study should be stopped. This task should be done and a decision made before any on-the-ground sampling occurs.
- p. 38 Why will EPA be meeting with the State to review the technical memorandum? The Bureau should meet with EPA prior to the initiation of any other meetings.
- 
- p. 51 Task 9. A task force group as described in the draft work plan would not be the appropriate forum for determining allocations of project costs. Commitments of funding in the Bureau for a project such as this can only come through our Washington Office. Any discussions concerning this type of funding request can happen only between the Environmental Protection Agency as the designated Superfund agency and the Bureau's Washington Office.

Also, a goal of the proposed Task Force "Management Committee" is to address legal and liability concerns. The Bureau addresses legal and liability concerns with Department of Interior solicitors only. This is an area of concern we prefer to discuss with our legal staff and not in the forum of a task force. The proposed Management Committee is to address the involvement of potentially



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Judith Ayres  
Regional Administrator  
U.S. EPA  
215 Fremont Street  
San Francisco, CA

Dear Ms. *Judith* Ayres:

After reviewing the draft work plan for the performance of the Remedial Investigations/Feasibility Study at the Atlas/Coalinga Asbestos Mine sites in Fresno County, California, we have the following comments.

## General Comments

From our meeting with Harry Saraydarian and Richard Martyn on November 15, 1984, we understood that EPA was largely persuaded from its examination of information gathered during preparation of the Remedial Action Management Plan for the asbestos mine sites that any remedial actions taken at these sites could be expected to have only a negligible impact on the regional problem of the introduction of asbestos fibers into the California Aqueduct through the Arroya Pasajero. We also understood that EPA felt constrained to conduct further site investigations to confirm this supposition, but that such investigations would be confined to estimating the relative contribution of asbestos fibers into the Los Banos Creek Watershed from the mine sites on the basis of a comprehensive examination of existing regional data in comparison with new site-specific measurements. The Remedial Investigations/Feasibility Study (RI/FS) document provided for our review, however, outlines a much more ambitious and costly plan of action. Indeed, the ultimate thrust of the RI/FS appears to be more in the nature of an areawide planning process under section 208 of the Clean Water Act than it does a site investigation under CERCLA. Naturally, the Bureau is concerned about the scope of its potential financial liability from such an expansive use of Superfund monies.

The Atlas and Coalinga Mines are the only sites currently on the National Priority List (NPL). These are the only sites where Superfund moneys are appropriately spent. Any "areawide study" that your office chooses to do, should come out of EPA's funding base and not an "Industry Taxed" money source.

In addition to this concern, we also have doubts about the potential efficacy of various actions planned and thus anticipate that the Federal Government may incur needless expenses if the plan of action is implemented without modifications.

The Atlas and Coalinga mines are situated in a naturally occurring serpentine orebody approximately 14 miles long and 4 miles wide. This orebody has been eroding for thousands of years. As a result, asbestos-laden sediments are extensively present in the stream channels and flood plains of the Arroyo Pasajero and are readily transported to the California Aqueduct during high water periods. Previous studies by the California Department of Water Resources, the California Central Valley Regional Water Quality Control Board, and the U.S. Bureau of Reclamation all support the conclusion that effective prevention of the introduction of asbestos fibers into the California Aqueduct must be based on off-site control measures. Site-specific control measures can only partially contribute to a reduction in the sedimentation problem, and such measures are relatively expensive. With these considerations in mind, the formulation of any plan for site-specific study should be approached with cost efficiency as a paramount guiding principle.

#### Specific Comments

- p. 21 Subtask 2-1. Wasn't a literature review already done for the RAMP study that can be utilized in this next study phase?
- p. 23 Water samples taken only during the last half of the runoff season may not adequately describe the actual movement of sediment and asbestos in streamflows since earlier fall and winter storms flush the majority of sediments and asbestos into the stream system. Thus, the sampling scheme as designed will underestimate actual sediment movements from both disturbed and undisturbed watershed areas. Without sampling for the whole runoff period it will not be possible to determine the actual average sediment yield for both disturbed and undisturbed areas.
- p. 23 Task 3. An extensive field sampling plan has been proposed in the draft work plan. A more economical alternative is available through the use of modeling based on existing topographic and hydrologic data. The Denver Service Center of the Bureau has several hydrology design and analysis computer programs available that could be used to model watershed impacts in the White Creek or Pine Creek drainages. These programs include: (1) flood routing and dam breach analysis; (2) Universal Soil Loss Equation (USLE); and (3) curve-number runoff methodology.
- p. 25 The closest stream bed and stream sampling site to the tailings area is about 1½ miles downstream. If it is really an objective to describe movement off the tailings area, a sampling site should be established directly below the tailings area where the majority of the drainage area is covered by the tailings, rather than only a small part of the drainage area, as is the case by having the sampling site 1½ miles below the tailings.
- p. 30- The sampling scheme as designed has a high probability of failure  
31 due to the objective of sampling during storm events. The roads are very likely to be impassable during storms and helicopter flights during these storms would be very risky.

responsible parties. This is another area which should not be addressed by a task force group. Negotiations and discussions should occur between EPA and the party in question.

We also feel obligated to point out that, under the President's current deficit reduction goals, as Federal employees we must look for cost effective methods of getting the job done. It appears the monthly task force committee meetings are inconsistent with these goals and a luxury that travel reductions will not allow within our agency.

In reference to task force membership/community relations, we are uncertain how the affected county is meant to be brought into the process. It appears to be more appropriate for public meetings to be held which include the local citizens and would be better located in the Coalinga or Fresno areas, and not in the San Francisco area.

In conclusion, we recommend the following occur:

1. Discontinue further analysis and study and use modeling in its place.
2. Do not establish an "Interagency Task Force," but rather a Technical Advisory Committee, if technical guidance is deemed necessary to determine the relative contribution of asbestos from the Atlas Mine site.
3. Consider the DWR and BOR's more practical viewpoint. To effect loading reductions, site catchments at appropriate off-site locations.

As you can see, we have considerable concerns as to the way the RI/FS is being proposed at this time. Please contact Ms. Lois Payne of my staff to schedule a meeting to address solutions to these concerns, as soon as possible.

Sincerely,



Ed Hastey  
State Director

cc:  
DM, Bakersfield