

BH
MIB 3061

1703 (309)

OCT 21 1987

Memorandum

To: Directorate

Through: Assistant Director, Energy and Mineral Resources

From: Chief, Hazardous Materials Staff

Subject ACTION ALERT -- Letter from EPA Designating BLM as the Responsible Party for the Control, Study, Cleanup, and Damages from the Atlas Asbestos Mine Site in California

California State Office received the attached letter from the Environmental Protection Agency (EPA) Region IX, regarding the liability for studies, cleanup, etc. at the Atlas Asbestos Mine site, roughly 20 miles from Coalinga, California. The site is on the National Priority List (NPL) of Superfund Sites and EPA has been studying it for 3-4 years at a cost of roughly \$5 million.

The EPA letter, in summary:

- says that BLM, as owner of part of land (unpatented mill claims) of the mine site must carry out the statutory actions to control the site, to study and cleanup the site, and that BLM is potentially liable for any damages resulting from the release of hazardous materials at the site.
- says that the site has been identified as a probable source of waterborne asbestos in the California Aqueduct, a source of air contaminants in the area of the mine and in the town of Coalinga (some of these are questionable assertions!), and a threat to people entering the site.
- explains the process under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the general types of studies and actions that the Bureau will be required to undertake in cooperation with or under the supervision of EPA.
- sets out specific control actions gating all access roads (in an unspecified area) to be carried out by the end of November 1987, and posting all (unspecified) roads with risk alert signs to EPA specifications in english and spanish.
- requests a commitment by BLM by November 5, 1987, to participate in (including paying for) the Remedial Investigation/Feasibility Study (RI/FS) and the cleanup of the site.

- requests specific information on the still unspecified site from Bureau records and other sources, and a specification of the sources.

There are serious national policy, legal, and budget implications that should be considered in the short time before the decision document is signed to commit to the requested course of action. We are prepared to initiate this analysis with the State Office, the Department of Justice, the Office of the Solicitor, the Office of External Affairs, and the Budget Office, as soon as you would like.

Attachment

cc:
100, 110, 200, 700, 800, 500, SD-CA, CA-930, Sokloski, 500 Brown, 509 RF, 680, 880, BHyde
BHyde:bh:10/16/87:343-5517:[D-0012H]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

215 Fremont Street
San Francisco, Ca. 94105

13 October 1987

| To | Initial | Date |
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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.

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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. Divorting 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.

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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