



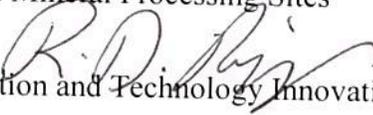
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

SEP - 4 2015

MEMORANDUM

SUBJECT: Interim Guidance for Continuation of Work and Development of Comprehensive List of Superfund Mining and Mineral Processing Sites

FROM:  James E. Woolford, Director 
Office of Superfund Remediation and Technology Innovation

TO: Regional Superfund Program Managers
Regions 1-10

PURPOSE:

The purpose of this memorandum is to provide interim guidance for determining whether work at Superfund hardrock mining and mineral processing sites can proceed or if a work hold should remain in effect pending further evaluation of site conditions.

BACKGROUND:

On August 14, 2015, Reggie Cheatham and I issued a memo instructing regions to cease work and other related actions at mining/tailings Superfund sites in light of the Gold King Mine release in Colorado. The memo identified some work cessation exceptions based on ongoing risks. Regions immediately identified a number of sites where they had stopped work or did not initiate planned work.

To learn more about what caused the Gold King Mine release, the Assistant Administrator of the Office of Solid Waste and Emergency Response (OSWER) charged a team of EPA mining experts to carry out an internal review of the incident. The team conducted the review and documented its findings in an August 24, 2015, report to the OSWER assistant administrator. Based on the team's findings and recommendations, as well as ongoing analyses of existing mine information, the Office of Superfund Remediation and Technology Innovation (OSRTI) established a process to determine if work cessations at mining and mineral processing sites should remain in place or if site work can re-start. Regions may need to conduct similar analyses at additional sites; OSRTI will transmit specific information regarding this effort under separate cover. More details on the process to analyze sites where work ceased follow.

APPLICABILITY:

The process outlined below applies to sites at which EPA ceased field investigation work. The mine conditions categories may also apply to sites that are not currently on hold but have future planned work.

For this memorandum, OSRTI defines a hardrock mining/mineral processing site as “mining and mineral processing activities (e.g., extraction, beneficiation or processing of ores and minerals) that have or may have impacted lands, waters and surrounding watersheds.”

ACTION PLAN:

- OSRTI, the regions (i.e., 7, 8 and 9), and the Agency’s mining experts, and, for any removal actions, the Office of Emergency Management (OEM), will discuss the sites at which work is currently stopped or may be planned but has not yet started. The discussions will be framed around the internal review team’s findings/recommendations memorialized in their August 24, 2015, report, including using a tiered approach to evaluate sites in terms of the three mine conditions in the table below.
- This analysis will lead to the development of site-specific recommendations to identify if site work can be conducted, or whether site work should not be carried out at this time, pending further investigation, possibly including additional information gathering and risk mitigation. The following table presents these situations in more detail:

Category	Mine Condition	Recommended actions
1.	Sites with no known water in the mine, or sites with fluids that have been well-characterized, including water levels, and present no known hazard with the potential to create an emergency.	No need for work stoppage at those sites and/or work can continue, based on a determination of low/no risk or based on closer examination of site-specific conditions.
2.	Sites with fluid mine waste where water pressure has not been characterized and it is not known if a hazard exists with potential to create an emergency.	Site work stoppage should remain in place. Information gathering needs to continue so that a conclusive site work cessation determination can be made
3.	Sites where uncharacterized fluid mine waste exists and there may be a probable hazard with potential to create an emergency.	Site work stoppage should remain in place pending review of site conditions and until adequate emergency planning has occurred.

- OSRTI senior management and regional senior program managers (i.e., division director or higher) will make a joint determination as to which of these categories applies to each of the 10 sites. For those sites falling into categories “2” and “3,” where work stoppage should remain in effect pending further study, the region and OSRTI will specify what

actions/information/milestones are necessary to make a conclusive decision and/or to allow for work to restart or planned work initiated. The region will document these discussions and decisions in correspondence to the OSRTI office director. OSRTI will coordinate with OEM as appropriate for any removal sites.

- OSRTI is also continuing efforts to develop a solid “master” site list, closely coordinated with each region, to reconcile the various mining site lists (e.g., the national mining team’s site lists, data pulled from the Superfund Enterprise Management System, etc.). The internal review team’s findings/recommendations will guide these evaluations. The categories noted in the table above might apply to additional sites identified through the list reconciliation process and in the course of conducting additional regional discussions. We may need to modify those evaluation parameters, where appropriate, as the Department of Interior’s and the EPA Office of the Inspector General’s reports become available. We will address information on additional mines under separate cover.

I appreciate all of your hard work and patience in the aftermath of the Gold King Mine incident, and we look forward to continuing our joint effort with you to help protect human health and the environment through site cleanups. Please call Dana Stalcup at 703-603-8702 if you have any questions or need further assistance.

Attachment

cc: Mathy Stanislaus, OSWER
Barry Breen, OSWER
Nitin Natarajan, OSWER
Dana Stalcup, OSRTI
Reggie Cheatham, OEM

