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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900

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APR 5 2018

OFFICE OF
ENVIRONMENTAL
CLEANUP

Ms. Beth Pendleton, Regional Forester
Mr. David Schmid, Acting Regional Forester
Region 10 – Alaska Region
Office of the Regional Forester
Post Office Box 21628
Juneau, Alaska 99802-1628



Re: Ross Adams Mine Site

Dear Ms. Pendleton and Mr. Schmid:

The Ross Adams Mine Site (Site) on Prince of Wales Island near Ketchikan, Alaska, is located on land owned by the U.S. Forest Service (USFS). As such, the USFS has the authority under Executive Order 12580 to implement CERCLA removal actions there, without EPA involvement. As you will recall, Dawn Mining Company, LLC and Newmont USA Limited (collectively Newmont), along with the USFS, approached EPA and the State of Alaska in January 2017 to request that EPA and the State get involved at the Site.

Specifically, Newmont wanted to negotiate a consent decree in which EPA and the State would grant Newmont a covenant not to sue in exchange for the company performing a Non-Time Critical Removal Action (NTCRA) at the Site. While it is very unusual for the United States to provide future covenants when the party is performing a removal action, as opposed to a remedial action, EPA was willing to consider such an agreement under certain conditions which we set forth in a letter dated August 25, 2017.

In a letter dated November 3, 2017, Newmont responded that it remained interested in pursuing negotiations, indicating that it would accept some of the conditions we'd set forth in our letter and proposing that the parties continue to discuss other conditions. Subsequent to this exchange, the USFS issued a draft Action Memorandum and asked EPA and the State to provide comments. We did so in a letter dated November 30, 2017 (See Enclosure). The last remaining significant comment appears to be over whether ARARs must be met or can be met "to the extent practicable." Our offers to discuss this and any of our comments with the USFS have been met with silence.

Then, in February of this year, EPA and the State were surprised to learn that Newmont and the USFS had changed course and have decided to proceed without further EPA and State involvement at the Site. As we understand it, Newmont and USFS plan to enter into an AOC in which Newmont will perform the NTCRA without any covenants from EPA or the State of Alaska.

The concerns EPA and the State expressed during the negotiation process and in our joint comments on the Action Memo remain, and we trust that the USFS will take them into consideration for this cleanup action. EPA performed a PA/SI at this site, and it scored high enough to be listed on the NPL in 1999.

EPA will continue to monitor this site in the future, and will take steps to protect human health and the environment there if necessary.

Please ensure that this letter, as well as the November 30, 2017 letter and comments, are included in the Administrative Record for the Ross Adams Site.

Sincerely,



Cami Grandinetti
Remedial Cleanup Program Manager

Enclosure

cc: Mr. Scott Hardt, Davis Graham & Stubbs LLP, counsel for Newmont
Ms. Jennifer Currie, counsel for State of Alaska
Mr. Michael Hope, counsel for USFS
Ms. Kelly Cole, counsel for EPA
Ms. Rachel Hankey, USDOJ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
HANFORD PROJECT OFFICE
825 Jadwin Avenue, Suite 210
Richland, Washington 99352

December 1, 2017

Matthew York
United States Forest Service
PO Box 21628
Juneau, AK 99802

VIA ELECTRONIC MAIL ONLY

RE: Draft Non-Time Time Critical Removal Action Memorandum for Ross-Adams Mine Site

Dear Mr. York,

The Alaska Department of Environmental Conservation and the United States Environmental Protection Agency have reviewed the draft Non-Time Critical Removal Action Memorandum for the Ross-Adams Mine Site. In general, additional information is needed in the release and health risks sections in order to outline the area of contamination, identify the human health and ecological risks, and describe why the removal action is needed. Applicable or Relevant and Appropriate Requirements should be met or waived, not just met to the extent practical since the U.S. Forest Service intends this action memorandum to be a final cleanup decision. These cleanup levels need to be clearly defined in the action memorandum. Our detailed comments are enclosed.

We would be happy to meet to discuss our comments. You may contact Anne Marie Palmieri at 907-766-3184 or Annemarie.Palmieri@alaska.gov and Laura Buelow at 509-376-5466 or Buelow.Laura@epa.gov.

Sincerely,

Handwritten signature of Anne Marie Palmieri.

Anne Marie Palmieri
Project Manager
DEC Contaminated Sites Program

Handwritten signature of Laura Buelow.

Laura Buelow
Project Manager
Hanford Project Office

Enclosure

PROJECT: Ross Adams Mine		REVIEW COMMENTS		DOCUMENT: Draft Action Memo
DATE: 11/28/17		REVIEWERS: Palmieri (DEC) and Buelow (EPA)		
Item No.	Location (page, par., sen.)	COMMENTS		

USFS Response

1.	General	This document presents a lengthy description of the site's history, background, and characteristics, but gives a much shorter summary of the release and the health risks. Additional information is needed in the release and health risks sections in order to outline the area of contamination, what the human health and ecological risks are, and why the removal action is needed.		
2.	General	Editorial: Please number the pages.		
3.	Section I, page 1, para 1, line 2	Editorial: revise to read: "...proposed <i>Potentially Responsible Party</i> (PRP)-lead removal..."		
4.	Section I, page 1, bulleted list and Section III	Editorial: revise numbering as i, ii, iii. Also, ending punctuation should be: bullet 1 – “;” bullet 2 – “; and” bullet 3 – “.” (note: this list is duplicated in Section III and this comment applies there as well.)		
5.	Section II, A, 1, para 1, line 2	Editorial: Delete semicolon: "...survey which is indicative..."		
6.	Section II, A, 1, para 2, line 4	Editorial: revise to read: "...under a <i>United States Forest Service</i> (USFS) permit."		
7.	Section II, A, 1, para 3, line 1	Revise to read: "The Site includes contaminated suffield areas at the mine <i>portals</i> , haul roads,..." 'Surface' is defined as 0-2 feet below ground surface and some of these waste rock piles extend below two feet.		
8.	Section II, A, 2, para 1, last line	Revise to read: "...connecting the Site to either other USFS or POW communities or roads."		

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9.	Section II, A, 3, Current Use	<p>UCore: This section regarding UCore's current use should be revise to include greater detail. UCore has been conducting exploration activities on the claims adjacent to the Site, but have been using the main haul roads, loading areas, and beach frontage. They have not been using the mine portals or smaller access roads to the portals. For several years, UCore housed its seasonal workers on a barge in Kendrick Bay and transported them across to the current floating dock via skiff. However, in a recent Operations Plan, UCore proposed housing the workers in small trailers on-site – whether or not the workers were housed on-site should be determined.</p>		
10.	Section II, A, 3, Current Use	<p>Dotson: The Dotsons used their cabin quite frequently in the past. Was the cabin was sold to UCore or the FS? This should be confirmed as it will affect not only current use but also future use. Also, the drinking water source for the cabin is Cabin Creek.</p>		
11.	Section II, A, 3, Current Use, line 6	<p>Editorial: revise to read: "...investigation; and white-one family member..."</p>		
12.	Section II, A, 3, Future Use	<p>In public presentations located on UCore's website, an on-site worker camp is shown as part of the Conceptual Project Design. http://ucore.com/PDAC2014.pdf. In other mines in Southeast Alaska, the typical worker schedule is 2-weeks on work followed by 2 weeks off work. This should be added as a future use.</p>		
13.	Section II, A, 4	<p>This section lists surface water and stream sediment as having COPCs, yet they are not mentioned at all in the rest of the document, including the proposed actions. Clarify if they were screened out or how the proposed actions will address these COPCs.</p>		

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14.	Section II, A, 4	The information provided in this section is a list of COPCs from the HHRA. This section should include information about the locations, concentrations, and estimated volumes of contamination by media. This section should also include releases that are a threat to ecological receptors. Some of this information is included in a general description in Section II, A, 3, paragraphs 3 and 4. This section should also include some detail information about the cancer and non-cancer risks that are posed.	
15.	Section II, C, 1, para 1	Editorial: revise to read: "...action is the <u>United States Forest Service-USFS</u> ."	
16.	Section II, C, 1, para 1	Please define the 'established commitment for coordination'.	
17.	Section II, C, 1, para 2	Editorial: revise to read: "The previous Region 10-On-Scene Coordinator USFS held a...". The public meetings were held by the USFS regardless of who actually coordinated the meeting.	
18.	Section II, C, 1, para 2	Revise to read: "No <i>written</i> comments were received."	
19.	Section III, A, line 4	Editorial: revise to read: "...worker, <u>U.S. Forest Service USFS worker</u> ,..."	
20.	Section III	This section should be revised to include not only the risk to human health, but also the risk to ecological receptors. This section should include statements about the calculated risks of background and the additive risk caused by the mining activities by receptor, as well as the Federal and State risk thresholds. The RAOs should be outlined, too.	
21.	Section V, A, 1, para 4, line 8.	Revise to read: "...also comply with potential State and Federal Applicable or Relevant and Appropriate Requirements (ARARs) ."	
22.	Section V, A, 1, para 4, lines 8-10	It is accurate that the calculated risk from the background concentrations exceeds the allowable health risk, this sentence should be revised to reflect that the removal action will address the additive risk caused by the mining activities. The background risk should also be discussed in Section III.	

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23.	Section V, A, 1, Alternative M-5, bullet 2	Editorial: revise to read: "...disposal, except <i>except</i> for drill..."			
24.	Section V, A, 1, Alternative M-5, bullet 7	The exact design of the repository will need to be determined during the design phase of the project. A bottom liner will be required unless modeling of infiltration of the cap and resulting leachate shows that it is not needed, in accordance with 18 AAC 60.			
25.	Section V, A, 1, primary factors, bullet 1	This bullet addresses reduction of risk in mrem/year and less than 1E-5. Neither these terms nor the fact that these are RAOs were previously discussed in Section III. Context needs to be provided. EPA does not support 15 mrem/year as a cleanup level. It should be based off of cancer risk. There need to be cleanup levels clearly established in this section.			
26.	Section V, A, 2	What is the USFS' long-term remedy plan for this site? As there is going to be waste left in place, there needs to be Five Year Reviews to ensure that the remedy is functioning as intended (e.g. repository cap is still intact and the water coming out from the 300' portal opening meets Alaska Water Quality Standards, etc).			
27.	Section V, A, 4	We would like to discuss the statement: "This removal action will attain to the extent practicable, considering the exigencies of the situation, applicable or relevant and appropriate requirements of federal environmental or more stringent state environmental laws." ARARs must be attained or waived if this removal action is going to meet the expectations of a remedial process as well.			
28.	Section V, B	Editorial: revise to read: "The total estimated PRP cost of..."			
29.	Section VI	This text should be revised to be more detailed and site-specific. It is suggested that a statement in included that addresses the background risk and the additive risk resulting from the mining activities.			

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		COMMENTS	

30.	Section VII	Is Newmont the only PRP or should Dawn Mining also be included in this section?	
31.	ARARs List	The ARARs should not be 'potential ARARs', but actual ARARs.	
32.	ARARs List	18 AAC 75 should be applicable.	
33.	ARARS List	18 AAC 83 should be applicable. The pipe that will direct the water from the 300' portal to the creek will be a point source discharge.	
34.		--end--	

