



# Upper Animas Mining District

## *fact sheet*



**COLORADO**  
Hazardous Materials  
& Waste Management Division  
Department of Public Health & Environment

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## Site Assessment and the National Priorities List

After the release at the Gold King Mine in August 2015, there has been a renewed interest in exploring long-term options for addressing mining-related impacts to water quality in the Animas River Watershed, including designating the area as a Superfund National Priorities List (NPL) site. This fact sheet discusses issues concerning NPL designation.

**Background:** Based on federal law, EPA has established a process to evaluate releases of hazardous substances from a site and, if appropriate, add it to the NPL. The process involves collecting information and environmental data and evaluating that data using the Hazard Ranking System (HRS).

The HRS is a numerically based screening tool that scores the relative threat to human health and the environment posed by contamination. A site's score can range between 0 and 100, and sites with a score of 28.5 or greater are eligible for proposal to the NPL.

The data included in an HRS report describes the primary sources of contamination and explains the basis for the HRS score and rationale for NPL designation.

**Community/Stakeholder Input:** EPA is committed to work in concert with the Colorado Department of Public Health and Environment (CDPHE) in answering questions about the potential for adding the Upper Animas Mining District sites to the NPL and listening to the concerns of members of the public, affected tribes and elected officials. These questions and concerns will shape any decision to initiate an NPL listing process. As a matter of policy, EPA seeks concurrence from the state governors or a tribe, when the tribe has jurisdiction, prior to NPL proposal.

**Designating a new NPL Site:** After support for NPL listing from the state or tribe is received, the EPA

### The National Priorities List at a Glance:

- The National Priorities List establishes the EPA's priorities for investigation and long-term remediation.
- Sites are eligible for the NPL if the Hazard Ranking System (HRS) evaluation results in a score greater than 28.5.
- It is EPA's policy to gain support from the state or tribe where the sources of contamination are located prior to proposal to the NPL.
- NPL sites have access to resources to investigate and clean up complex sites.
- Long-term operation and maintenance activities, including water treatment, can be implemented and funded at NPL sites.
- Removal actions are short-term response actions to address a release or a potential release requiring prompt response.
- Removal actions can be conducted on NPL or non-NPL sites.

then proposes the site be added to the NPL through a Notice of Rulemaking where all relevant documentation, including the HRS report, is published in the Federal Register. This is followed by a 60-day public comment period. After evaluating and responding to all comments, EPA publishes in the Federal Register a final determination whether to add the site on the NPL.

The EPA estimates that, once initiated, it will take three to 12 months to complete an HRS report. Once the HRS report has been completed, the site is ready to be proposed to the NPL through a Federal Register notice, which occurs twice per year. It typically takes six to 12 months to finalize the site on the NPL.

**BLM and USFS Involvement:** Bureau of Land Management and U.S. Forest Service representatives have been active participants in stakeholder and community meetings, and the EPA expects this participation to continue. Discussions of a potential

NPL site necessarily would include these federal land managers. Both agencies have been conducting independent assessment work to understand potential environmental concerns associated with lands they manage, and they have undertaken this work cooperatively with EPA.

**Site Boundaries:** The HRS scoring process focuses on an evaluation of the threat posed by the contaminant sources and releases. The listing process itself is not intended to define site boundaries, only the sources to be investigated. Once listed, a remedial investigation is performed that describes in greater detail the extent of contamination migrating from the sources, which will help define the site boundaries. In the case of a potential NPL site in the Upper Animas watershed, EPA and CDPHE will continue discussions with all stakeholders on the appropriate sources to be included, whether that be Cement Creek, other drainages, or former smelter sites, before any proposal to the NPL is made.

**Property Values:** Peer-reviewed studies show that the effect of site listing on property values is mixed. However, we reasonably anticipate to see increases in property values as cleanup progresses. One study, the Gamper-Rabindran and Timmins study, finds an 11 – 13 percent increase after construction completion, and after deletion from the NPL, an 18.7 – 24.4 percent increase in property values.

**Historic Preservation:** Under Superfund, EPA generally complies with the substantive portions of all applicable regulations, including those governing cultural resources. The National Environmental Policy Act (NEPA) states that it is the federal government's responsibility to use all practicable means to preserve historic, cultural and natural aspects of our national heritage. The National Historic Preservation Act requires a federal agency to take into account the effects on properties included in or eligible for the National Register of

Historic Places. If adverse effects are anticipated, agreement is usually reached on measures that avoid or mitigate the effects. As an example, at the California Gulch Superfund Site, the EPA worked with local stakeholders to preserve historic structures.

**Cleanup Process:** The length of time it takes for remedial action to begin depends on a variety of site-specific factors. At the end of fiscal year 2013, 51 of the 130 hardrock mining and mineral processing NPL sites had reached construction complete status; on average, it took approximately 6 years from these sites being listed on the NPL to begin remedial action and 12 years to the construction completion achievement.

At the Upper Animas Mining District, investigation work that has been done through the previous efforts of EPA, BLM, U.S. Fish and Wildlife Service (USFWS) and the stakeholder group could shorten the time needed to develop and initiate a cleanup proposal. If warranted, removal actions may be taken at any step of the Superfund process. For example, EPA took early removal actions to address imminent threats at approximately 35 percent of hardrock mining or mineral processing NPL sites prior to their being added to the NPL.

**Funding:** The Superfund program operates on the principle that polluters should pay for the cleanups, rather than passing the costs to taxpayers. EPA searches for parties legally responsible for the contamination at sites and holds those parties accountable for cleanup costs. For sites that do not have viable responsible parties, EPA uses congressional appropriations to investigate the full extent of the contamination, select a remedy and conduct remedial construction. EPA's Superfund appropriation in fiscal year 2015 was \$1.1 billion dollars.

#### FOR MORE INFORMATION , PLEASE CONTACT THE FOLLOWING:

Warren Smith  
CDPHE Community Involvement Manager  
303.692.3373  
warren.smith@state.co.us

Cynthia Peterson  
EPA Community Involvement Coordinator  
303-312-6879  
peterson.cynthia@epa.gov

Johanna Miller  
EPA Assessment and Revitalization Program Director  
303-312-6804  
miller.johanna@epa.gov

Monica Sheets  
CDPHE Remediation Program Manager  
303-692-3439  
monica.sheets@state.co.us