



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

FEB 5 2010

MEMORANDUM

SUBJECT: Request for a Time-Critical Removal Action at the Anaconda Yerington Mine Site, Yerington, Lyon County, Nevada

FROM: Tom Dunkelman, On-Scene Coordinator
Emergency Response Section (SFD-9-2)

TO: Michael Montgomery, Assistant Director (SFD-7-1) *[Signature]*
Federal Facilities and Site Cleanup Branch

THROUGH: Daniel Meer, Assistant Director (SFD-9) *HA for Dan Meer 2/5/10*
Response, Planning and Assessment Branch

Harry Allen, Chief *HA*
Emergency Response Section (SFD-9-2)

I. PURPOSE

The purpose of this memorandum is to request and document approval for a response action and incur direct extramural costs of up to \$942,955 of which up to \$600,000 would come from an established special account for the Anaconda Copper Mine Superfund Site (the "Site").

The proposed response action would mitigate threats to human health and the environment posed by the presence of asbestos containing materials ("ACM") in the Mine Office Building and the threat of fire and resulting release of hazardous substances associated with a tire pile at the Site, near the City of Yerington, County of Lyon, Nevada. Under the proposed action, EPA will also conduct assess and correct any deficiencies in the integrity of work conducted as past removal actions at the Site.

Conditions presently exist at the Site that, if not addressed by implementing the response action documented in this memorandum, may lead to off-Site migration and the release of contaminants, primarily asbestos present in the Mine Office Building and hazardous substances associated with a potential tire fire. As discussed in this memorandum, these hazardous substances, if unaddressed, may pose an imminent and substantial endangerment to the public health or welfare or the environment.

The proposed response to the hazardous substances is consistent with removal

activities authorized pursuant to Section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(a), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 C.F.R. § 300.415. This response action also incorporates Site investigation activities also authorized by Section 104(a) and (b) of CERCLA, 42 U.S.C. § 9604(a) and (b).

Previous removal actions at the Site were authorized by the following Action Memoranda:

- August 5, 2008: Addressed closure of certain heap leach fluid ponds and drains, including the closure and repairs to Slot Pond #1, the Plant Feed Pond, Phase I/II Pond, Old Raffinate Pond, New Raffinate Pond, Mega Pond, the VLT Pond and portions of the heap leach perimeter drain system;
- September 28, 2007- Addressed closure of the Bathtub Pond and construction of an associated interceptor trench;
- August 10, 2006- Addressed repairs to Slot Pond #2, construction of the Mega Pond interceptor trench and construction of a large Evaporation Pond;
- December 7, 2005 - Addressed removal of PCB-containing transformers and fugitive dust.

II. SITE CONDITIONS AND BACKGROUND

Site Status: Non-NPL

Category of Removal: Emergency/Time-Critical

CERCLIS ID: NVD083917252

SITE ID: SSID#09GU (OU8)

A. Site Description

1. Physical location

The Site is located approximately two miles west of Yerington, Nevada, directly off of Highway 95, at 102 Burch Drive. The Site includes portions of Township 13N, Range 25E, Sections 4, 5, 8, 9, 16, 17, 20, and 21 (Mount Diablo Baseline and Meridian) on the Mason Valley and Yerington USGS 7.5 minute quadrangles. The geographic coordinates are 38E 59' 53.06" North latitude and 119E 11' 57.46" West longitude. The Site occupies 3,468.50 acres of disturbed land in a rural area, bordered to the north by open agricultural fields and residential acreage, and to the east by Highway 95A, which separates the Site from the city of Yerington. Approximately fifty percent of the Site is privately owned land, and the rest is land within the jurisdiction, custody and control of the United States Department of the Interior, Bureau of Land Management ("BLM"). To the south continues federal range land, and to the west and

southwest the federally owned Singatse mountains. The community of Weed Heights is located adjacent to the Site, near the western edge of the Yerington Pit.

2. Site characteristics

Facilities associated with copper mining operations at the Site include an open-pit mine, mill buildings, tailing piles, waste fluid ponds, and the adjacent residential settlement known as Weed Heights. A network of leach vats, heap leaching pads and evaporation ponds remain throughout the Site, in addition to a lead working shop, a welding shop, a maintenance shop, two warehouses, an electro-winning plant, and an office building.

The Site began operation in or about 1918, originally known as the Empire Nevada Mine. In 1953, Anaconda Minerals Company ("Anaconda") acquired and began operating the Site. In or about 1977, Atlantic Richfield Company ("Atlantic Richfield") acquired Anaconda and assumed its operations at the Site. In June 1978, Atlantic Richfield terminated operations at the Site. In or about 1982, Atlantic Richfield sold its interests in the private lands within the Site to Don Tibbals, a local resident, who subsequently sold his interests with the exception of the Weed Heights community to Arimetco, Inc. ("Arimetco"), the current owner. From 1989 to November 1999, Arimetco operated a copper recovery operation from existing leach heaps within the Site and ore from the McArthur Pit. Arimetco has terminated operations at the Site and is currently managed under the protection of the United States Bankruptcy Court in Tucson, Arizona. The presently approved bankruptcy plan anticipates a liquidation of Arimetco's operations at the Site.

During the 25-year operational period that Anaconda and Atlantic Richfield operated the Site, they abandoned a significant number of tires at the Site. Since Arimetco abandoned all physical operations at the Site, the Mine Office Building at the Site appears to have become significantly dilapidated beyond a point of reasonable repair.

3. Site evaluation

In October 2000, EPA conducted an Expanded Site Inspection at the Site, which consisted of collecting ground water samples from six monitoring wells on and around the Site, and samples of standing water from a below ground cellar, pregnant leachate solution, tailings and leachate salts. These samples again confirmed high concentrations of contaminants (Ecology and Environment, Expanded Site Investigation, 12/14/2000, Table 3-1), including beryllium, cadmium, chromium, lead, mercury, and selenium. The groundwater monitoring well samples revealed levels above the regulatory limits for drinking water for arsenic, beryllium, cadmium, chromium, lead, and selenium. EPA concluded from this study that toxic heavy metals exist in source materials at the Site

and have contaminated groundwater. The local groundwater is the sole source of drinking water for approximately 3,000 people living within four miles of the Site.

From August to October 2006, EPA conducted a removal action to address fluids management issues associated with the Arimetco heap leach system. This removal action included relining the Slot Pond, construction of a Megapond Interceptor Trench, and construction of a new Evaporation Pond. Fluids in the heap leach system exhibit very low pH and elevated metals, and pose potentially acute toxicity to wildlife.

In August and November 2007, EPA ERS conducted two additional removal assessments at the Site. One assessment focused on evaluating radiological contamination of the "Process Area" of the Site. The second removal assessment performed in August 2007 consisted of sub-surface sampling and analysis beneath the fluids management ponds. A Geoprobe direct push rig collected core samples beneath each of fluids management ponds. The depth of sampling ranged up to 30 feet below ground surface. The results of the sub-surface ponds assessment support closure of the ponds in place (once the sediment and liner have been removed), with the exception of the Old Raffinate Pond. Kerosene-contaminated soils were detected beneath the Old Raffinate pond to a depth of 23 feet below ground surface.

From October to November 2007, EPA conducted a removal action to address fluids management issues associated with the Bathtub Pond. This removal action included removal of sediments and liner from the pond, backfilling and grading the pond and construction of an interceptor trench along the shoulder of the pond.

During the fall of 2007, EPA collected another eight fluid samples, with either one or two samples obtained from each of the six Arimetco leach heap ponds/ditches. These data generally show a low pH consistent throughout the system (ranged from 1.9 to 2.8) and specific conductance ranging from 31,000 to 45,000 μmhos per centimeter ($\mu\text{mhos}/\text{cm}$). Metals that exceed primary or secondary drinking water maximum contaminant levels ("MCLs") include aluminum, antimony, arsenic, beryllium, boron, cadmium, chromium, copper, iron, lead, manganese, mercury, thallium and zinc. Radiological data are currently under review but generally exceed the MCLs for thorium isotopes 228, 230, and 232; uranium isotopes 234, 235, and 238; and gross alpha particles. TPH values range from 750 to 2,100 $\mu\text{g}/\text{L}$, which exceeds Nevada cleanup requirements of 1,000 $\mu\text{g}/\text{L}$.

From September to October 2008, EPA conducted another removal action to address fluids management issues. This included closure of the following ponds: South Slot Pond, Plant Feed Pond, New Raffinate Pond, Old Raffinate Pond and MegaPond. The liner of the Phase I/II Pond was replaced. Repairs were also made to the VLT Pond liner. EPA also excavated approximately 10,000 cubic yards of kerosene contaminated soil present beneath the Raffinate Ponds and Vaults, and placed this material in

bioremediation cells present on top of the Slot Heap. In addition, EPA made repairs and upgrades to the perimeter ditches surrounding the heap leach pads.

On September 21, 2009, EPA obtained an asbestos survey of the Mine Office building, located at 102 Birch Street, Yerington, Nevada, from an asbestos abatement consultant. The inspection included collection of 28 bulk samples. The suspect ACM that were sampled included wall texture, joint compound, floor tiles, black mastic, ceiling tile, ceiling tile glue, vent duct tape, exterior siding and roofing materials. Laboratory analysis showed that the wall texture contains 1-5% Chrysotile asbestos, the joint compound contains 1-5% Chrysotile asbestos, the 9x9 floor tiles contain 1-5% Chrysotile asbestos, the black mastic under all of the floor tiles contains 1-5% Chrysotile asbestos, the vent duct tape on the HVAC ducting contains 60-70% Chrysotile asbestos and the exterior siding contains 20-30% Chrysotile asbestos. A transite flue pipe on the hot water heater was also noted to be present. The following quantities of asbestos containing material were identified:

Friable Wall Texture on the Sheet Rock Walls, Approximately 6300 Square Feet
Friable Vent Duct Tape, Approximately: 30-50 Linear Feet
Non-friable Floor Tile and or Mastic, Approximately: 6800 Square Feet
Non-friable Transite Exterior Siding, Approximately: 5300 Square Feet
Non-friable Transite Flue Pipes, Approximately: 25 Linear Feet

Also in September 2009, EPA conducted an inventory of the tire pile. EPA found approximately 350 large tires (6 - 8 foot diameter) present in a tire collection area located adjacent to the Process Area of the Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

The ACM that EPA in the Mine Office Building is considered to be regulated asbestos containing materials ("RACM"). RACM is defined as (a) friable (able to crush, pulverize or reduce to powder by hand pressure) materials, (b) Category I non-friable asbestos containing materials that have become friable, (c) Category I non-friable asbestos containing materials that will be subjected to sanding, cutting, grinding or abrading, or (d) Category II non-friable asbestos containing materials that have a high potential of becoming friable by the demolition process.

Large truck tires present on the Site constitute a fire threat. In the event that these tires catch fire, a smoke plume containing hazardous substances would be generated that could threaten the nearby communities of Yerington and Weed Heights. In addition, a tire fire would create pyrolytic oil, which could threaten groundwater.

5. National Priorities List (“NPL”) status

The Site is not currently on the NPL; however EPA requested the State’s position for listing on December 19, 2000. On January 25, 2001, the Governor of Nevada objected to the listing and requested that EPA defer listing. From that time until December 10, 2004, EPA, NDEP and BLM jointly managed the Site under a memorandum of understanding, dated March 28, 2002, which designated NDEP as the functional lead agency. On October 29, 2002, NDEP entered into an enforcement agreement with Atlantic Richfield. Over the following four years, Atlantic Richfield implemented some investigations and interim measures, and resulting data collection revealed a high degree of technical complexity at the Site, including the discovery of radioactive concerns. Because of this increased complexity, on December 10, 2004, NDEP requested that EPA assume the regulatory lead role at the Site under CERCLA. On December 20, 2004, EPA formally agreed to assume the lead role using its authority under CERCLA. At that time, EPA stated that it did not presently intend to list the Site on the NPL, but did reserve the option to consider listing the Site if it becomes necessary in order to achieve cleanup.

B. Other Actions to Date

1. Potentially Responsible Party Actions

EPA entered into an Administrative Order on Consent (“AOC”) with Atlantic Richfield that became effective May 1, 2009. Under this AOC, Atlantic Richfield agreed to conduct several removal actions at the Site, including capping of evaporation ponds, assessment and removal of radiological material from the process area, removal of transite pipe, addressing electrical hazards at the Site, and conducting certain operation and maintenance of the fluids management system. Atlantic Richfield agreed to reimburse EPA \$2.2 million for costs of overseeing Atlantic Richfield’s work in the past, and Atlantic Richfield has agreed to pay future EPA oversight costs for the work under the AOC.

These removal actions are a continuation of previous response actions, initiating remedial investigation activities, monitoring, data collection and maintenance activities specifically required under: (1) the 1985 NDEP Administrative Order to Anaconda Minerals Company; (2) the March 28, 2002 Memorandum of Understanding between NDEP, EPA and BLM and the associated Scope of Work; (3) the October 24, 2002 Administrative Order on Consent between NDEP and Atlantic Richfield Company; (4) the March 31, 2004 Unilateral Administrative Order from EPA; and (5) the January 12, 2007 Unilateral Administrative Order from EPA. None of these actions require Atlantic Richfield to maintain the integrity of the Arimetco fluid system.

2. EPA Actions

EPA is completing a remedial investigation of the Arimetco Heap Leach Pads. The present results of this remedial investigation are stated in the document entitled "Draft Remedial Investigation Report, Arimetco Facilities Operable Unit 8," dated June 2008. In addition, EPA has conducted several removal assessments and four previous removal actions. These removal assessments and removal actions were described previously in the Removal Evaluation section of this memorandum.

C. State and Local Authorities' Roles

1. State and local actions to date

Arimetco, which operated heap leach facilities at the Site from 1989 to 2000, was issued a Finding of Alleged Violation and Order by NDEP on September 23, 2002, as a result of Arimetco's abandonment of Electro-winning fluids and drummed material after Arimetco sought bankruptcy and abandoned the Site. On October 23, 2002, NDEP issued a notice of Arimetco's failure to comply with the Order and subsequently, through NDEP's contractor, SRK Consultants, took over response actions at the Site. NDEP's response actions began in January 2003 and concluded in July 2003. Approximate quantities removed were as follows:

Electrolyte	~ 233,000 gallons
Organic fluids	~ 19,000 gallons
Waste Oils	~ 4,500 gallons
Copper Sulfate	~ 72 cubic yards
Crushed Drums	~ 40 cubic yards
Non-haz small SX plant material	~ 16,000 gallons
Non-regulated liquid waste	~ 18,000 gallons
Non-regulated solid waste	~ 200 cubic yards
Hazardous Waste (lead)	~ 70 cubic yards
Hazardous Waste (other)	~ 1,800 pounds

The project was funded by the state of Nevada, which was reimbursed by Atlantic Richfield.

In October 2002, NDEP took responsibility for the Arimetco heap leach fluid management activities to prevent the overflow of fluids from the heaps. EPA's March 31, 2005 Unilateral Administrative Order directed Atlantic Richfield to maintain those activities, but did not specifically require Atlantic Richfield to prevent discharges to ground water from the Arimetco system.

2. Potential for continued state/local response

Neither state nor local agencies have committed the resources to either continue the Arimetco heap leach water management activities and related costs, or to undertake

the required clean-up action at this time. As stated above, NDEP formally requested that EPA assume the lead role for the Site because the Site conditions became too complex.

Regardless, EPA may request that other state and local response organizations assist and coordinate within the response for necessary tasks within their respective domains, such as traffic planning, community relations, and logistical support. EPA recognizes, however, that their financial ability to contribute more to the response will be limited.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Conditions at the Site represent a release, and potential threat of release, of CERCLA hazardous substances threatening the public health, or welfare, or the environment based on the factors set forth in the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 C.F.R. § 300.415(b)(2). These factors include:

A. Actual or potential exposure to nearby populations, animals or the food chain from hazardous substances or pollutants or contaminants

Asbestos containing material has been identified on the interior and exterior of the Mine Office Building (a.k.a. Administration Building – see Figure 2). This building is in a state of disrepair, and is accessible to the public from the adjacent roadway. Since portions of the building are located outside of the Site fence, there is potential for the public to come in direct contact with friable and non-friable asbestos.

A large tire pile is present on the site (see Figure 2). Should this tire pile catch fire, a smoke plume containing hazardous substances would be generated thereby causing actual or potential exposure to the nearby communities of Yerington and Weed Heights. Deposition of hazardous substances associated with a tire fire smoke plume onto adjacent farm land could also impact the food supply.

B. Actual or potential contamination of drinking water supplies

Generation of pyrolytic oil during a tire fire could threaten groundwater.

C. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate

The response action proposed under this removal action does not address this issue.

D. Weather conditions may cause hazardous substances or pollutants or contaminants to migrate or be released

The Site is located in an area of Nevada that is prone to lightning strikes, which could cause ignition of the tire pile. In addition, this area is characterized by extremely variable winds with high velocities throughout much of the year. These high winds could cause pieces of ACM to be removed from the Anaconda Mine Office and released to the community.

E. Threat of fire or explosion

The Site is located in an area of Nevada that is prone to lightning strikes, which could cause ignition of the tire pile. Should this tire pile catch fire, a smoke plume containing hazardous substances would be generated thereby causing actual or potential exposure to the nearby communities of Yerington and Weed Heights. Deposition of hazardous substances associated with a tire fire smoke plume onto adjacent farm land could also impact the food supply.

F. Availability of other appropriate federal or state response mechanisms to respond to the release

No other appropriate federal, local or state public funding source has been identified. The proposed action exceeds the financial capability of the State Emergency Reserve Account.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

EPA will conduct the following activities, as part of this removal action:

Removal and disposal of asbestos containing material from the Mine Office Building:

EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS-40 CFR 61 Subpart A & M) requires that all regulated friable and non-friable asbestos containing materials be removed from a facility prior the demolition process. The removal of the regulated asbestos containing materials will be performed by an asbestos abatement contractor. All regulated friable and non-friable asbestos containing materials will be

disposed of at an EPA approved landfill that accepts asbestos waste. Notifications for the asbestos abatement and the demolition will be filed with EPA Region 9 and Nevada OSHA.

Demolition of the remainder of the Mine Office Building.

Once the asbestos containing materials have been removed, this building will no longer be structurally sound. As a result, EPA will demolish the remainder of the building, and will dispose of the debris in an onsite construction debris landfill.

Disposal of tires.

EPA will dispose of all tires present in the tire storage area. To the extent possible, these tires will be taken offsite for re-use and/or recycling. Prior to disposal, the tires will be screened for the presence of radiological materials.

Operation and Maintenance.

EPA will also conduct several operation and maintenance and activities relating to previous removal actions, which are not covered under the recent AOC. This will include repairing a section of the heap leach perimeter ditch, maintaining the kerosene bioremediation cell, and enhancing evaporation at the heap leach evaporation ponds.

2. Contribution to remedial performance

Long term remedial action at this Site is anticipated. The response actions considered in this memorandum are expected to be consistent with future actions typical at large scale mine sites, although no final remedial action is yet determined for this Site.

The long-term cleanup plan for the Site:

The work performed under this removal action is intended to be consistent with long-term clean-up plans for the Site. Final reporting of this removal action will be provided for consideration in any further cleanup activities.

Threats that will require attention prior to the start of a long-term cleanup:

The removal action proposed in this memorandum addresses threats requiring attention prior to the start of a long-term cleanup because it addresses immediate threats from specific or acute sources of contamination, and clear the way to address potential pervasive surface and subsurface contamination.

The extent to which the removal will ensure that threats are adequately abated:

By conducting the actions described above, this removal action will reduce the ongoing release of hazardous substances.

Consistency with the long-term remedy:

This removal action should be consistent with the long-term remedy for the Site. Although the long-term remedy has not yet been determined, any likely remediation of the Site will benefit from the removal of the dilapidated Mine Office Building and the tire pile, if only to provide better means access to pervasive contaminants and reduce the overall threats to on-Site workers.

EPA has begun planning for the provision of post-removal Site control, consistent with the provisions of § 300.415(k) of the NCP. Any future owner likely will have obligations to protect the integrity of completed removal actions and thereby provide post-removal Site controls. The nature of the removal proposed in this memorandum is, however, expected to minimize the need for post-removal Site activities beyond the remedial investigation and feasibility studies phase, and remedy selection and implementation as appropriate.

3. Description of alternative technologies

Alternative technologies are not appropriate for this removal action.

4. Applicable or relevant and appropriate requirements (ARARs)

Section 300.415(j) of the NCP provides that removal actions must attain ARARs to the extent practicable, considering the exigencies of the situation.

Section 300.5 of the NCP defines applicable requirements as cleanup standards, standards of control, and other substantive environmental protection requirements, criteria or limitations promulgated under federal environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location or other circumstances at a CERCLA site.

Section 300.5 of the NCP defines relevant and appropriate requirements as cleanup standards, standards of control and other substantive requirements, criteria, or limitations promulgated under federal environmental or state environmental or facility siting laws that, while not "applicable" to a hazardous substance, pollutant, or contaminant, remedial action, location, or other circumstances at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site and are well-suited to the particular Site.

Because CERCLA on-site response actions do not require permitting, only substantive requirements are considered as possible ARARs. Administrative requirements such as approval of, or consultation with administrative bodies, issuance of permits, documentation, reporting, record keeping and enforcement are not ARARs for the CERCLA response actions confined to the Site.

The following ARARs have been identified for the proposed response action: All

can be attained.

Federal ARARs: Potential federal ARARs may include the RCRA Land Disposal Restrictions, 40 C.F.R. § 268.40 Subpart D; the CERCLA Off-Site Disposal Restrictions, 40 C.F.R. § 300.440; the U.S. Department of Transportation of Hazardous Materials Regulations, 49 C.F.R. Part 171, 172 and 173 and EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS-40 CFR 61 Subpart A & M), Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, (16 USC 470, 36 CFR § 800).

State ARARs: Nevada Administrative Code, Chapter 444 applies to Class III industrial landfills, such as proposed for on-Site disposal of construction debris. EPA would consider any relevant requirements in the actual design and construction of any construction debris landfill.

5. Project schedule

The removal action is anticipated to start after the approval of the action as indicated by the signature on this memorandum. The bulk of the removal activities will require approximately one month to complete.

B. Estimated Costs

Cost estimates are based on existing Emergency and Rapid Remedial Response Services (ERRS) rates for the EPA Region 9 contracts.

Extramural Costs

Regional Removal Allowance Costs

Cleanup Contractor (ERRS)	\$ 500,000
TOTAL, Removal Action Project Ceiling	\$ 500,000
START Contract Costs	\$ 100,000
TOTAL, Extramural Costs	\$ 600,000

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances documented on-Site and the potential exposure pathways to nearby populations described in Sections III and IV above, actual or threatened releases of hazardous substances from the Site, if

not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, or welfare, or the environment. If no action is taken, the Anaconda Mine Office Building will continue to deteriorate, potentially releasing asbestos containing material that could impact on-Site workers and the nearby community. Additionally, the tire pile will continue to present a fire hazard capable of releasing hazardous substances to the community.

VII. OUTSTANDING POLICY ISSUES

Much of the land subject to the proposed removal action is on federal land within the jurisdiction, custody and control of the BLM. Pursuant to Executive Order 12580(g), EPA maintains delegated authority to conduct response actions in accordance with Section 104(a) of CERCLA, including for emergency actions on federal land within the jurisdiction, custody and control of another federal agency. BLM also is delegated authority to conduct non-emergency response actions on federal land within its jurisdiction, custody and control, where the site is not on the NPL. Because this time-critical removal action is intended to address emergency conditions, EPA is within its delegated authority to conduct the action. Nonetheless, EPA is coordinating the anticipated response action with BLM.

VIII. ENFORCEMENT

Please see the attached Confidential Enforcement Addendum for a discussion regarding potentially responsible parties and enforcement. In addition to any extramural costs estimated for the proposed action, a cost recovery enforcement action also may recover the following intramural costs:

Intramural Costs¹

U.S. EPA Direct Costs

Intramural	\$ 50,000
Extramural (from above)	\$ 600,000

U.S. EPA Indirect Costs

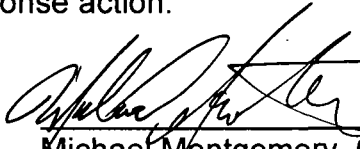
(45.07% of Direct Costs(\$650,000))	\$ <u>292,955</u>
TOTAL Costs	\$ 942,955

The total EPA extramural and intramural costs for this removal action, based on full-cost accounting practices, that will be eligible for cost recovery, are estimated to be \$942,955.

1. Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery.

IX. RECOMMENDATION

This memorandum proposes removal action for addressing certain fluids management issues at the Anaconda Yerington Mine Site, Yerington, Lyon County, Nevada, as developed in accordance with CERCLA and not inconsistent with the NCP. This decision is based on the Administrative Record for the Site. Because conditions at the Site meet the NCP criteria for a time-critical removal, I recommend that you concur on the determination of imminent and substantial endangerment, the proposed removal action and the anticipated intramural and extramural direct costs of \$942,955, of which up to \$600,000 would come from an established special account for the Anaconda Copper Mine Superfund Site (the "Site"). Your approval below will establish as agency action the determination of the imminent and substantial endangerment and the selection of the response action.

Approve:  2/5/10
Michael Montgomery, Chief
Federal Facilities and Site Cleanup Branch Date

Disapprove: _____
Michael Montgomery, Chief
Federal Facilities and Site Cleanup Branch Date

Attachments

Index to the Administrative Record
Confidential Enforcement Addendum

Appendices

- 1. Site Plan "Figure 1"
- 2. Process Area Map "Figure 2"

cc: Director, Nevada Division of Environmental Protection
Bob Kelso, Department of the Interior, Bureau of Land Management
Jack Oman, ARC
S. Fielding, USEPA, OEM

bcc: Site File
A. Helmlinger, ORC-3
T. Dunkelman, SFD-9-2
D. Seter, SFD-8-2
N. Hollan Burke, SFD-8-2
B. Lee, SFD-9-4
Steffanie Wood, PMD-8
C. Temple, SFD-9-4

AMINISTRATIVE RECORD INDEX

Doc_date	Author	Addressee	Title_subject	Docid
3/31/2005	Environmental Protection Agency - Region 9	-	Unilateral administrative order #9-2005-0011 for initial response activities	2077062
12/2/2005	Tom Dunkelman / Environmental Protection Agency - Region 9	Kathleen Johnson / Environmental Protection Agency - Region 9	(Privileged, FOIA exs 5 & 7) Action Memo: Request for time-critical removal action at site (enforcement confidential addendum only) (Privileged document target only)	2085758
12/2/2005	James Sickles / Environmental Protection Agency - Region 9 Tom Dunkelman / Environmental Protection Agency - Region 9	Kathleen Johnson / Environmental Protection Agency - Region 9	Action Memo: Request for a time-critical removal action at site, w/o enforcement confidential addendum	2133414
8/10/2006	Tom Dunkelman / Environmental Protection Agency - Region 9	Keith Takata / Environmental Protection Agency - Region 9	(Privileged, FOIA ex 7) Memo: Request for an exemption from \$2,000,000 statutory limit & request for time-critical removal action (enforcement addendum only) (Privileged document target only)	2133434
8/10/2006	Tom Dunkelman / Environmental Protection Agency - Region 9	Keith Takata / Environmental Protection Agency - Region 9	Action Memo: Request for exemption fr \$2,000,000 statutory limit & request for time-critical removal action w/o enforcement addendum	2133432
1/12/2007	Environmental Protection Agency - Region 9	-	Administrative order #2007- 05 for RI/FS, w/attchs 1 & 2	2116773
9/28/2007	Tom Dunkelman / Environmental Protection Agency - Region 9	Keith Takata / Environmental Protection Agency - Region 9	(Privileged, FOIA ex 7) Action Memo: Request for time-critical removal action at site (enforcement confidential addendum only) (Privileged document target only)	2138931
9/28/2007	Tom Dunkelman / Environmental Protection Agency - Region 9	Keith Takata / Environmental Protection Agency - Region 9	Action Memo: Request for time-critical removal action at site, w/o enforcement confidential addendum	2133411

11/20/2007	Environmental Protection Agency - Region 9	-	List of US EPA guidance documents consulted during development & selection of response action for site	2139497
	Environmental Protection Agency - Region 9	Atlantic Richfield Co	Fluids management system standard operating procedures	2133415
5/28/2008	Mike Schwennesen, START Team 9	Tom Dunkelman / Environmental Protection Agency	Anaconda Ponds Assessment Report	2163309
8/5/2008	Tom Dunkelman / Environmental Protection Agency - Region 9	Keith Takata / Environmental Protection Agency - Region 9	(Privileged, FOIA ex 7) Action Memo: Request for time-critical removal action at site (enforcement confidential addendum only) (Privileged document target only)	
8/5/2008	Tom Dunkelman / Environmental Protection Agency - Region 9	Keith Takata / Environmental Protection Agency - Region 9	Action Memo: Request for time-critical removal action at site, w/o enforcement confidential addendum Administrative Order On Consent	
10/14/2009	Lisa Monroe, Lisa Monroe and Associates	Peter Lawrence/Environmental Quality Management	Anaconda Mine Office Material (Asbestos) Estimates	
9/24/2009	Lisa Monroe, Lisa Monroe and Associates	Environmental Quality Management	Asbestos Bulk Sample Short Report	

Figure 1

Site Plan

Anaconda Yerington Mine Site

August 2006

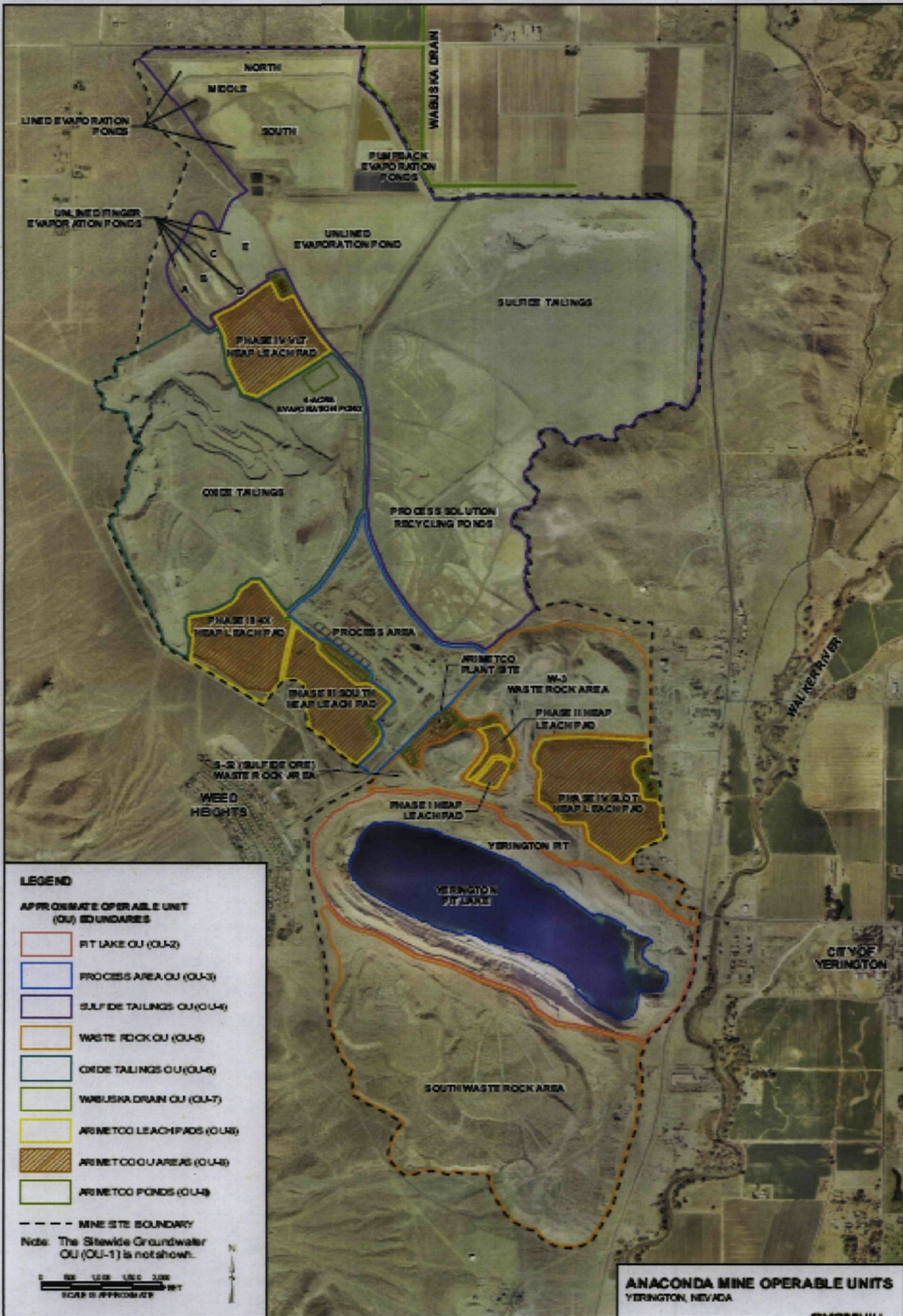
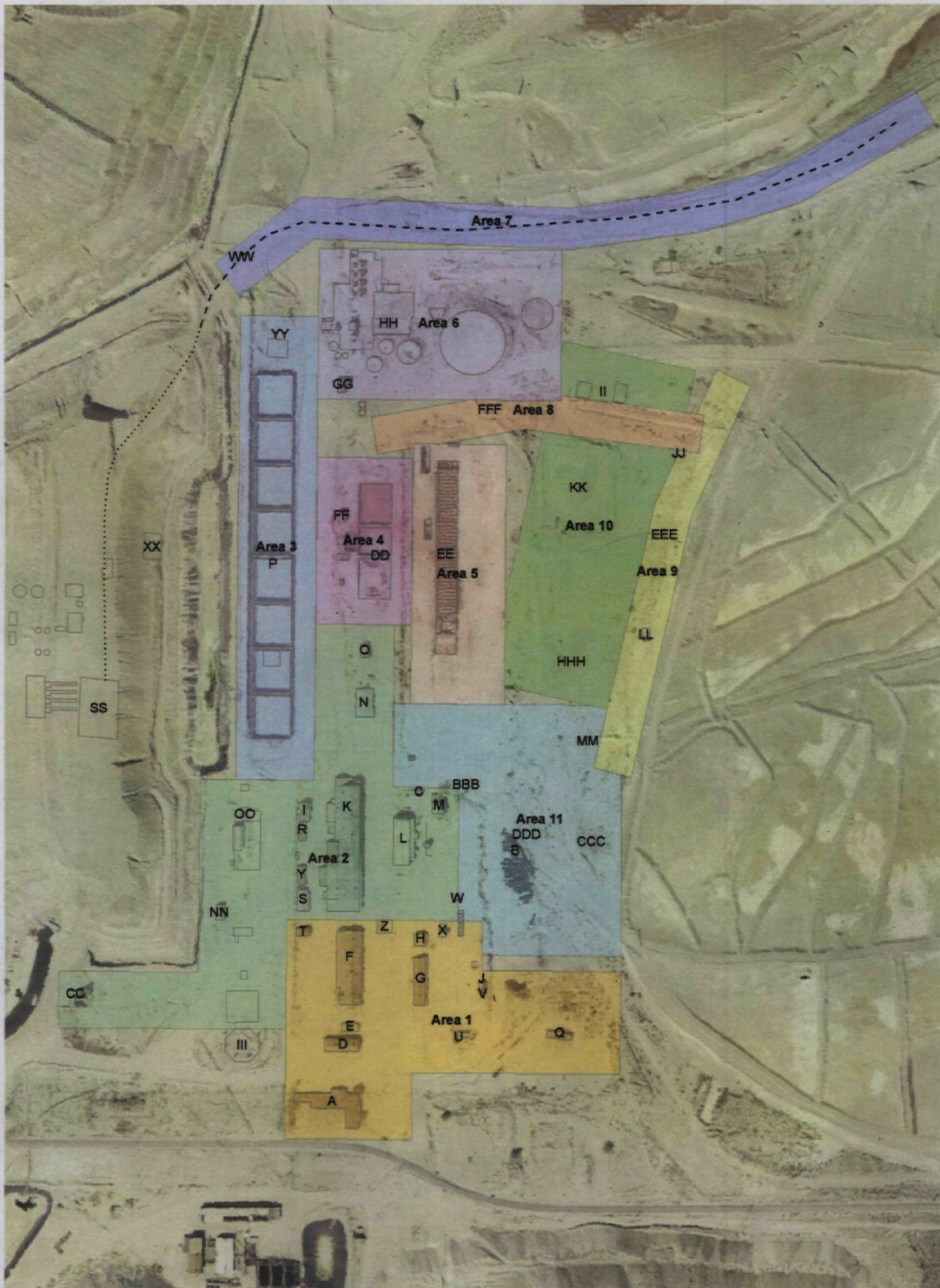


Figure 2

**Process Area Map
Anaconda Yerington Mine Site**

**Area A – Mine Office Building
Area B – Tire Pile Area**

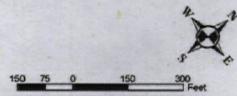


NOTES:
 1.) PROJECTION: NEVADA STATE PLANE, WEST
 ZONE 1927 NORTH AMERICAN DATUM (FEET)
 2.) BASE PHOTO TAKEN OCTOBER 3, 2001

EXPLANATION

— Area Boundary
 — Process Area Boundary

 Area 1	 Area 4	 Area 7	 Area 10
 Area 2	 Area 5	 Area 8	 Area 11
 Area 3	 Area 6	 Area 9	



**Process Sub-Areas
1 through 11**