

September 12, 1997

MEMORANDUM

SUBJECT: EPA's Hardrock Mining Framework

FROM: Timothy Fields, Acting Assistant Administrator /s/
Office of Solid Waste and Emergency Response

Steven Herman, Assistant Administrator /s/
Office of Enforcement and Compliance Assurance

Robert Perciasepe, Assistant Administrator /s/
Office of Water

TO: Regional Administrators

The purpose of this memorandum is to transmit to you EPA's Hardrock Mining Framework (Framework). Developed by a National workgroup, the Framework is designed to help EPA implement a multi-media, multi-statute approach to dealing with the environmental concerns posed by hardrock mining. The focus of the Framework is on understanding and improving the use of existing EPA authorities. The Agency recognizes that other parties are vitally involved in implementing mining-related environmental programs, and improving EPA's partnership role is a key consideration in achieving the Goals of the Framework.

Why Develop a Framework?

EPA is responsible for implementing a number of relevant environmental protection statutes. As the Agency faces increasing demands on limited resources, it becomes even more critical that EPA continue to manage its responsibilities efficiently. Environmental policies are increasingly focusing on integrating media protection and emphasizing multi-statute activities to most effectively implement single-media statutes. Mining is but one industrial sector where EPA policy directives are focusing on integration as a tool to meet environmental protection goals.

While recognizing the valuable economic contribution of the mining industry to the Nation, EPA also recognizes that certain mining sites have caused significant environmental degradation. The Framework includes a discussion of the significance of the industry and provides examples of some of the environmental impacts that have occurred.

Goals of the Framework

Environmental Protection - to protect human health and the environment through appropriate and timely pollution prevention, control and remediation. This goal will apply at proposed, active and abandoned mine and mill sites on both Federal and non-Federally-managed lands, consistent with Agency statutory authorities.

Administrative Efficiency - use available resources and authorities on the highest priority concerns, using a multi-media/multi-statute geographic approach and working closely with other Federal, State, Tribal, and local stakeholders.

Fiscal Responsibility - promote cost-effective environmental controls at existing facilities as well as historic mining sites and minimize both current and future costs incurred by the public at all mining sites.

Key Considerations for Improvement

While improving the effectiveness of existing EPA authorities is the focus of the Framework, it also recognizes the role of other stakeholders. For example, the Framework stresses the importance of cooperation, improving existing relationships and communication links with other mining stakeholders in improving the effectiveness of EPA's own programs. The Agency believes that all of the recommendations outlined below are within the scope of EPA responsibilities, and this Framework is not an attempt by the Agency to broaden authorities beyond those granted by Congress.

The Framework contains 14 Recommendations and 10 Action Items (listed below) which will serve to help EPA implement a multi-media, multi-statute approach to dealing with the environmental concerns posed by hardrock mining. The Recommendations serve as a basis for achieving the goals of improved environmental protection, using our resources more efficiently, and promoting fiscal responsibility. The Action items are designed to put life into the Framework, serving as a catalyst to achieve the Recommendations. The Recommendations, in the absence of the Action items will not provide the changes necessary to meet the goals of the Framework.

Summary of Recommendations

Achieving Improved Environmental Protection

1. Promote improvement of scientifically-based predictive tools (e.g., acid mine drainage and metals mobility) used in evaluating the environmental impacts of mine sites.

2. Integrate NPDES permitting and NEPA site evaluation activities, where EPA has jurisdiction.
3. Promote an adequate consideration of environmentally protective standards and preferred alternatives in EIS's.
4. Evaluate the adequacy of current waste management practices and promote standards of practice that achieve risk-based, long-term environmental goals.

Using Resources More Effectively

5. Promote utilization of a geographic/risk-based approach to prioritize inactive/abandoned mine cleanup.
6. Use targeted enforcement/compliance approaches to better focus resources on highest priority operations.
7. Work with the Corps Of Engineers to consistently define "fill" and to apply the waste treatment exclusion.
8. Prepare guidance and provide training on CERCLA site assessment, investigation and screening tools.
9. Compile and update information regarding grants available to fund remediation projects and distribute to stakeholders.

Promoting Fiscal Responsibility

10. Encourage development of cost-effective environmental control technologies for both active and inactive mine sites.
11. Evaluate the adequacy of mining EIS's with regard to the provision of financial assurance for long term support of environmental management systems.
12. Encourage reprocessing of historic mine wastes in conjunction with or as a component of site cleanup.
13. Develop or support legal/administrative mechanisms to encourage implementation of environmentally beneficial response actions at mine sites (eg., Good Samaritan).
14. Work cooperatively to develop standardized methods for characterizing/analyzing environmental concerns, predicting geochemical changes, establishing performance standards.

Summary of Action Items

1. Regions form cross-program mining teams and establish Regional Mining Coordinators.
2. Headquarters establish a cross-program mining team.
3. Develop Regional Mining Profiles, meet with stakeholders to gather relevant data.
4. Develop Regional Mining Strategies to guide mining program improvements.
5. Headquarters promote the National Interagency Coordinating Committee on Mining as a forum for development of consensus approaches to critical technical and policy issues.
6. EPA sponsor periodic workshops on the "toolbox" approach to foster innovative problem solving, technology transfer, and stakeholder involvement.
7. Regions sponsor workgroups for methodology development for mine site characterization.
8. Regions hold workshops on Good Samaritan, reprocessing/remining, or legal/administrative obstacles.
9. Regions screen/prioritize upcoming mining EIS's and become actively involved in all major mining EIS's.
10. Headquarters request comment on whether a re-examination of high risk Bevill wastes is warranted for future RCRA Land Disposal rulemakings. Consider revival of Policy Dialogue Committee.

In closing, we feel that implementation of the Recommendations and Action Items identified in the Framework will provide the Agency with the most cost effective means for exhibiting sound public policy with regard to addressing the environmental impacts of hardrock mining. We fully support implementation of the Framework, and look forward to working with the you and your staff on development of time schedules and workplan development.

Attachment

cc: Regional Water Management, Division Director
Regional Solid Waste, Division Director

