Remedial Action Activities
Tar Creek Operable Unit 4 Superfund Site

Ottawa County, Oklahoma April 2010

The purpose of this fact sheet…

- You're Invited to Marketing Seminars and Availability Sessions
- OU4 Remedial Action Update
- May 2010 Marketing Seminars Planned
- May Availability Sessions
- Reminders
- Frequently Asked Questions
- How to find out more about the Site

You're invited to attend Marketing Seminars and Availability Sessions EPA, the Bureau of Indian Affairs and the Quapaw Tribe of Oklahoma are scheduling for May 2010. See below for additional information.

OU4 Remedial Action Update

The remedial action for Operable Unit 4 is well underway. The removal of mine and mill waste in distal areas, where access has been granted, started in January 2010. Removing and reducing the footprints of this waste will enable property owners to increase the use of their land. Also, working in the distal areas allows chat sales within the core area to continue and contribute to the reduction of the footprint of chat. During this timeframe, over 284 local hires have been a part of this effort and over 173,602 tons of mine waste has been removed from the distal areas.

Chat in distal areas is being sampled to determine if it is marketable. The sampling results are provided to the chat owners and the data information (without names of the chat owners) is posted on a website for prospective buyers or processors to determine if they are interested in purchasing the chat. To view the data results, please visit:
http://projects.ch2m.com/TCOU4chat/

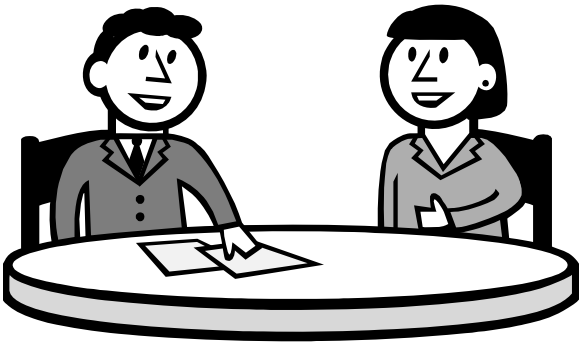
May 2010 Marketing Seminars Planned

EPA, in coordination with the Bureau of Indian Affairs and the Quapaw Tribe of Oklahoma, plan to conduct two Chat Marketing Seminars in May. The first seminar will be conducted for Indian chat owners and landowners on Tuesday – May 4th. On the second day (May 5, 2010), the seminar will be held for chat owners, prospective buyers, the Oklahoma, Kansas, and Missouri Departments of Transportation, and anyone interested in attending. ***Both Marketing Seminars will be held at 101 N. Connell (former Picher City Hall) in Picher, Oklahoma from 1:00 pm – 4:00 pm***.

May Availability Sessions

On Tuesday (May 4, 2010), EPA will be available to meet one-on-one with Indian chat owners and landowners who may have questions or desire to obtain additional information or clarification on the steps associated with chat sales. ***The May 4 Availability Session will be held at 101 N. Connell (former Picher City Hall) in Picher, Oklahoma from 4:00 pm – 6:00 pm.***

EPA will also be available on May 5, 2010 (Wednesday) to meet one-on-one with interested persons desiring to obtain additional information or clarification on the OU4 remedial action activities. ***The Availability Session will be open to all interested parties and held at the Hampton Inn Hotel's conference room, located in Miami, Oklahoma, from 5:30 – 7:00 pm.***



Reminders

Sampling Efforts

For EPA to clean up the source materials, access agreements must be received from the owners of property that have source materials. There are two types of access agreements for unrestricted property, *"Consent for Entry and Access to Property"* and a *"Settlement Agreement and Release."*

The *"Consent for Entry and Access to Property"* gives EPA permission to enter properties and to evaluate the amount and condition of chat deposits, other mine and mill waste, and surface soil through sampling. If needed, EPA can also install a temporary haul road to perform the remediation (to be removed afterwards), and remove the chat, mine and mill waste, and contaminated soil for further disposition.

The *"Settlement Agreement and Release"* gives EPA permission to remove and dispose of the chat. The actions that EPA performs to excavate, transport, and dispose of the chat are considered adequate compensation for any value the chat may have.

For restricted properties, the *"Consent for Entry and Access to Property to Sample"* gives EPA permission to enter restricted properties and to evaluate the amount and condition of restricted chat deposits, other mine and mill waste, and surface soil through sampling. EPA will working with the Department of the Interior and its agencies on plans to help facilitate chat sales. This action includes, but is not limited to, finding locations to stage the chat for future sales (with appropriate tracking and security measures), and facilitating chat sales. Without these signed documents, the implementation of the remedial action will be delayed.

Legal Considerations

If waste material is used in a way that creates a threat to human health or the environment, the owner of the property and the party responsible for creating the hazardous situation could be liable for a cleanup under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) law, because these mine wastes often contain lead, cadmium, zinc or other metal contaminants at levels that could cause harm to both human health and the environment. Using the waste in situations that would allow people, animals, plants, or fish, etc. to come into contact with the material could cause harm and may need clean up action under CERCLA. To avoid potential CERCLA liability, EPA generally recommends that property owners, haulers, operators, and individuals or businesses that sell, buy, or use mine waste materials which contain hazardous materials, use the materials in a manner that prevents exposure to humans and other receptors that would not cause harm to the environment

Frequently Asked Questions

The access agreements, as written, do not include a specific expiration date. Can a specific expiration date be applied to the access agreement?

Yes. The property owner can make a line through the text that states "this agreement expires 30 days after EPA completes its work on the property" and insert a date acceptable to the property owner. EPA prefers the date be at least two years from now. Any changes made to the access agreements should be initialed by the property owner.

Can the property owner allow only those activities leading up to, but not including, the excavation and removal of the chat?

If desired by the property owner, the remediation activities listed on the Consent for Entry access agreement may be lined through, leaving only those items necessary for evaluation and planning of activities for the property. EPA will perform any up-front work permitted by the Consent for Entry as signed, and contact the property owner for access to remove chat following the completion of that work.

What criteria will EPA apply to determine whether a chat pile is marketable?

Marketable material is generally defined as the fraction that exists between $^{9}/_{16}$ inch to ¼ inch (coarse marketable product) and the fraction that exists between ¼ inch to No. 100 sieve (drag sands marketable product). The fractions of marketable materials are likely to change as material becomes scarce over time. To evaluate marketability, EPA will collect sieve data for use by chat sellers and buyers in coming to terms.

What if the property owner and chat buyer can not come to terms on a price?

If a prospective chat buyer and the owner can not come to terms, EPA will provide guidance to chat sales participants on locating a different chat buyer.

For More Information

If you would like more information about the Tar Creek Site, contact:

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Quapaw Tribe of Oklahoma
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Information Repositories
The Administrative Record, including the Record of Decision, for the Tar Creek Superfund Site is available at the following locations:

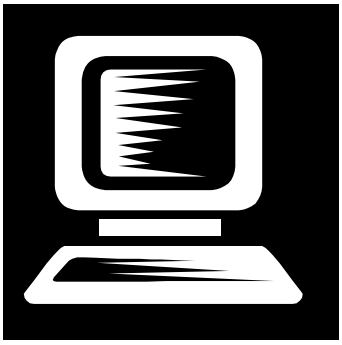
Miami Public Library
200 North Main St.
Miami, OK 74354
918.542.3064

Oklahoma Department of Environmental Quality
707 North Robinson
Oklahoma, City, OK 73102
405.702.6145

All inquiries from the news media should be directed to the Region 6 Press Office at 214.665.2200.

The completed Record of Decision for the Tar Creek Superfund Site, OU4 is available on the Internet at: www.epa.gov/region6/superfund

Information about the Tar Creek Site also can be found at U.S. EPA Region 6 Superfund ***http://www.epa.gov/region6/6sf/6sf.htm***



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