

The purpose of this fact sheet...

- Remedial Action Update
- Sampling Efforts
- Community Participation
- Frequently Asked Questions
- Legal Considerations
- For More Information

Remedial Action

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. Remediation in distal areas is ongoing and to date, nearly 1.2 million tons of material impacted by mining and milling has been removed and the cleanup on approximately 260 acres has been achieved.

Removing and reducing the footprints of this waste is enabling 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.

Chat in distal areas is being sampled to determine if it is marketable. The sampling results are provided to the chat owners and the 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. Are you a buyer or processor interested in purchasing this chat? Please visit:



Construction equipment used in the removal of mine and mill waste at OU4 of the Tar Creek Superfund Site.

<http://projects.ch2m.com/TCOU4chat/> to view the data and find out more information.

On April 12, 2011, EPA, the Oklahoma Department of Environmental Quality (ODEQ) and the Quapaw Tribe held an availability session for members of the public to learn about site activities and provide ideas to improve implementation of the remedial action. The come-and-go event was held from 3 p.m. until 7 p.m. at the First National Bank Community Room in Miami. The session was well attended. Participants most often asked about the schedule for cleaning up individual properties.

The demolition of the homes purchased in the towns of Picher, Cardin, and the Hockerville commenced on January 24, 2011. CFW Inc. is the subcontractor performing the demolition activities which are nearing completion.

EPA is also working with the Bureau of Indian Affairs to demolish abandoned, derelict structures located in Picher. Demolition efforts are ongoing and are projected to be completed this summer.

Job creation is another component of this project's positive impact on the local economy. EPA worked with project contractors to plan and implement the Superfund Job Training Initiative (SuperJTI) in Northeast Oklahoma. Super JTI provides job-readiness training and employment opportunities for underserved citizens living in communities affected by Superfund sites. The Tar Creek program generated 250 interested candidates of which 26 were selected for training. A number of graduates were hired by project contractors and others are awaiting the award of new contracts with hopes of being hired. The OU4 remedial action has provided economic benefits to the local community beyond the sales and marketing of chat. The local staff utilization on the project is over 85% of the construction labor, and over 98% of the construction subcontract awards have been made to small disadvantaged businesses that are local to area. These workers are also helping the local economy by spending funds with local vendors.

Sampling Efforts

For EPA to clean up the source materials, access agreements must be secured 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** give EPA permission to remove the chat and dispose of it. 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 is working with the Department of Interior and its agencies on plans to help facilitate chat sales. This includes but is not limited to finding locations to stage the chat for future sales (with appropriate tracking and security measures). EPA is also working with the Quapaw Tribe on developing plans for a potential staging area for chat. Without these signed documents, the implementation of the remedial action on the property will be hindered.

Community Participation

The EPA, in coordination with the ODEQ and the Quapaw Tribe, has kept the community, public, governmental entities, citizen advisory groups and interested parties informed on the Superfund response actions. However, EPA desires to improve this effort by gaining feedback and suggestions from you. Do you have suggestions that can improve the exchange of information or ideas that can enhance the implementation of the remedial action? Then, we want to hear from you! Information on how you can get involved is available in the “For More Information” section. Your participation can make a difference.

Frequently Asked Questions

Why are there two access agreements to sign?

The document named “Consent for Entry and Access to Property” grants EPA access to evaluate, sample, and remove chat. With just the Consent for Entry signed, EPA will evaluate marketability of the chat and facilitate communication between the property owner and potential chat buyers.

The document named “Settlement Agreement and Release” grants EPA the right to remove the chat without assessing marketability and without

facilitating a chat sale. The chat will be removed to a central repository for disposal.

Will signing the consent for entry and/or settlement agreement at this time prevent the property owner from selling the chat independently before EPA begins work on the property?

No. The property owner is welcome to sell their chat at any time in accordance with the “Chat Rule”. If the property owner sells some or all of his chat before the remediation work begins, EPA will address only the chat or contaminated soil that remains, if any.

Will signing the access agreement or settlement agreement “lock-in” the property owner such that the property can’t be sold until the work is complete?

No. The access agreement does not bind the owner to the property until work is completed. The owner can sell the property at any time and EPA will work with the new property owner to obtain access agreements.

Is the access agreement binding on someone that might want to buy the property before the work is completed?

No. If the property is sold, the access agreement between EPA and the property seller expires. EPA will work to obtain new access agreements from the buyer before proceeding with chat remediation.

Will the EPA remove whatever debris is present on the chat areas when the chat is removed?

EPA will remove debris that is in the way of chat removal and soil grading. The volume and type of debris to be removed will be evaluated on a case-by-case basis.



Site restoration underway at a property in Ottawa County.

If a chat pile is found to be marketable, what time limit is there for the owner to reach an agreement with a chat buyer?

EPA recognizes that this process may take some time. If an agreement is not yet made at the time EPA is ready to remove chat, removal to a central location until an agreement is reached may be considered on a case-by-case basis. The ROD states the timeframe for chat sales is expected to be within 30 years.

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 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 them in situations that would allow people, animals, plants, or fish, etc. to come into contact with the material could cause harm that 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 complies with the "Chat Usage Regulations and Guidelines", described in the Tar Creek Superfund Site Tri-State Mining District Chat Mining Waste" fact sheet dated June 2007. This fact sheet can be viewed at: http://www.epa.gov/region6/6sf/oklahoma/tar_creek/ok_tar_creek_chat_rule_fact_sheet_june_2007.pdf

For More Information

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

Ursula Lennox, Remedial Project Manager OU4

U.S. EPA Region 6
214.665.6743 or 1.800.533.3508 (toll-free)
lennox.ursula@epa.gov

Gary Baumgarten, Remedial Project Manager OU5

U.S. EPA Region 6
214.665.6749 or 1.800.533.3508 (toll free)

Robert Sullivan, Remedial Project Manager OU1 and OU2

U.S. EPA Region 6
214.665.2223 or 1.800.533.3508 (toll free)

Janetta Coats, Community Involvement Coordinator

U.S. EPA Region 6
214.665.7308 or 1.800.533.3508 (toll-free)
Coats.janetta@epa.gov

Oklahoma Department of Environmental Quality

Dennis Datin, P.E. 405.702.5125
David Cates, P.E. 405.702.5124

Quapaw Tribe of Oklahoma

Tim Kent, Director 918.542.1853

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
405.702.1000

The completed Record of Decision for the Tar Creek Superfund Site, OU4 is available on the Internet at: <http://www.epa.gov/region6/6sf/6sf-decisiondocs.htm>

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

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



Region 6
1445 Ross Ave. (6SF-VO)
Dallas, TX 75202