



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8


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DEC 13 2019

Ref: 8SEM-RB

MEMORANDUM

SUBJECT: Management Alert: Unapproved Use of Slag at Anaconda Co. Smelter Superfund Site, Project No. 20-N-0030

FROM: Gregory Sopkin
Regional Administrator 

TO: Charles J. Sheehan, Acting Inspector General
Office of Inspector General

Thank you for the opportunity to respond to the U.S. Environmental Protection Agency's Office of Inspector General (OIG) November 18, 2019 *Management Alert: Unapproved Use of Slag at Anaconda Co. Smelter Superfund Site, Report No. 20-N-0030* concerning the unapproved use of slag being sold as a souvenir by the Anaconda Chamber of Commerce. Region 8 is providing this response to summarize the Region's overall position along with its position on each of the OIG recommendations. For those recommendations with which Region 8 agrees, we have provided intended corrective actions and estimated completion dates to the extent we can or reasons why we are unable to provide corrective actions and completion dates at this time. For those reported concerns with which Region 8 does not agree, we have explained our position and proposed alternatives to those concerns.

AGECNY'S OVERALL POSITION

Region 8 shares the concern of the OIG management alert regarding the unapproved use of slag for souvenirs at the Anaconda Chamber of Commerce and appreciates being notified of this unapproved use. Although Region 8 has approved various uses for slag under both the Old Works/East Anaconda Development Area OU 7 and Anaconda Regional Water, Waste, and Soils OU 4 Records of Decision, the sale of plastic bags of slag as souvenirs was neither requested nor approved. The slag source for the souvenirs at the Chamber of Commerce was acquired by trespass and, therefore, its exact composition is unknown. Region 8 will investigate and analyze the slag that was sold by the Chamber of Commerce, evaluate the potential health hazard to those who purchased the souvenir, and identify and take the appropriate next steps.

AGENCY RESPONSE TO RECOMMENDATIONS

1. *Notify any individuals or businesses known to be involved in the collection or sale of the slag that those are not approved uses of slag. The OIG recommends that Region 8 identify any other federal, state or local agencies with oversight on this matter and notify those entities accordingly.*

Region 8 notified the Anaconda Chamber of Commerce of the concern and directed them to cease the sale of slag souvenirs. As of November 18, 2019, Region 8 has been informed that the slag souvenirs were removed. Region 8 will work with Anaconda-Deer Lodge County to acquire slag from the souvenirs for laboratory analysis and proper disposal. Region 8 will work with the Anaconda-Deer Lodge County Superfund Coordinator and the Atlantic Richfield Company, the potentially responsible party for the Anaconda Superfund site, to ensure proper disposal of slag materials and to determine if there are any other unapproved uses occurring. Region 8 will also coordinate with the Montana Department of Environmental Quality on all follow-up actions.

Region 8 plans to acquire, sample, and analyze the souvenir slag and evaluate data for possible next steps by the 2nd Quarter FY 2020 (March 31, 2020).

- 2. Determine how long and approximately how many souvenir bags of slag have been sold and determine what should be done to inform purchasers of the health risks that the slag souvenirs may pose to them.*

Preliminary discussions with Anaconda-Deer Lodge County and the Anaconda Chamber of Commerce suggest that these slag souvenirs may have been sold for a number of years. Given the turnover of staff and lack of any detailed records, it may be difficult to accurately identify the total number of slag souvenirs that have been sold. According to the current Executive Director of the Anaconda Chamber of Commerce, they sell up to 40 slag souvenirs a summer. It is assumed most souvenirs were sold to out of town or out of state visitors.

Region 8 will investigate the slag that was most recently sold by the Chamber of Commerce, evaluate the potential health hazards to those who may have purchased the souvenir, and identify and take the appropriate next steps by the 2nd Quarter FY 2020 (March 31, 2020).

- 3. Create and distribute, both in hard copy and via the EPA's website, a fact sheet for the public that describes the potential hazards associated with souvenir bags of slag, noting any precautions that are needed, especially for children; how to properly dispose of the bags; and any use, handling or storage of the bags of slag.*

In response to the OIG alert, Region 8 has provided to the press the following information: "EPA shares the OIG's concerns and has asked Anaconda-Deer Lodge County to cease the sale and distribution of the slag as a souvenir product. The Agency has a process for reviewing and approving the proposed reuse of slag material at cleanup sites. This process was followed for the use of slag at the Old Works Golf Course and for reuse in sandblasting and roofing applications. This slag is provided by the Potentially Responsible Party at the Anaconda site for these approved uses. The specific source of the slag sold at the Chamber of Commerce is not known. The material was not provided by the PRP and was collected without permission. While we expect minimal risks associated with the normal handling of the souvenir slag, we will be evaluating the material and are advising those in possession of the bags to dispose of them as normal household waste as a precaution."

Region 8 has posted this information to our website. Once sampling and analysis of the slag material is completed and potential health hazards evaluated, the additional information will be added to the website. Additionally, a fact sheet will be developed at that time to address issues with the slag, including the souvenirs, trespassing, and other community concerns. The fact sheet will be completed by the 2nd Quarter 2020 (March 31, 2020).

4. *Work with the Montana Department of Environmental Quality to coordinate on these recommendations, as needed.*

Region 8 has and will continue to coordinate with the Montana Department of Environmental Quality on all issues related to slag.

Thank you for sharing your concerns with Region 8 to help us improve our oversight of Superfund investigations and cleanup at the Anaconda Co. Smelter Superfund site in the interest of protecting human health and the environment. If you have any questions regarding this response or require additional information you may contact me, or you can contact Charlie Coleman, the Region 8 Remedial Project Manager for the site at (406) 457-5038 or coleman.charles@epa.gov.

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