



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 29, 2020

MEMORANDUM

SUBJECT: Update to Responses to Office of Inspector General June 15, 2018, Report Recommendations and August 22, 2018 (No. 18-P-0233) Report entitled "EPA Needs to Finish Prioritization and Resource Allocation Methodologies for Abandoned Uranium Mine Sites on or Near Navajo Nation Lands."

FROM: Ken McQueen
Regional Administrator, Region 6

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John W. Busterud
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TO: Kathlene Butler
Acting Assistant Inspector General
Office of Audit and Evaluation
Office of Inspector General

The United States Environmental Protection Agency (EPA) is providing an update on its progress with the corrective actions identified in the report titled, "EPA Needs to Finish Prioritization and Resource Allocation Methodologies for Abandoned Uranium Mine Sites on or Near Navajo Nation Lands" and proposing a revised corrective action. The report focused on the 54 Tronox Navajo Area Uranium Mines (NAUMs) on the Navajo Reservation or on private land within the State of New Mexico which included 20 mine sites in Region 6 and 34 sites in Region 9. Corrective actions include completion of Engineering Evaluation and Cost Analysis (EE/CAs) for these sites and refining and finalizing a prioritization methodology for the Tronox settlement NAUM mine site cleanups. An updated table summarizing completed activities and activities that remain outstanding can be found in Attachment 1 at the end of this letter.

On September 2, 2020, EPA established a new office within the Office of Land and Emergency Management (OLEM) to improve efficient and effective cleanups at western hardrock mining sites. This office, called the Office of Mountains, Deserts and Plains, will serve as the coordinating body for cleanup efforts at western hardrock mine sites with EPA Regions 6, 7, 8, 9 and 10, OLEM and other headquarters offices. A special priority area for OMDP is to improve response actions and expedite the effective cleanup of abandoned uranium mines on the Navajo Nation. EPA recommends that further OIG inquiries be directed to EPA's OMDP. This office will serve as the EPA lead office for reporting progress and completion of EPA commitments to this report (No. 18-P-0233).

EPA has addressed thirty-five percent of the 54 sites by completing four draft final EE/CAs that cover the 18 mines on private land in Ambrosia Lake, New Mexico. An additional mine, Spencer Mine, was reclaimed by the State of New Mexico with funding by the Bureau of Land Management, and no further EPA action is planned for this site. EPA completed a draft EE/CA

for the Section 32 and 33 mine sites, which have commingled mine waste contamination and are located on Navajo allotment land. Region 9 will be the lead region for both Section 32 and Section 33, with Region 6 as the support region.

EPA also refined the prioritization methodology and completed scoring sheets to provide an initial relative ranking of the 54 sites under the Tronox settlement. EPA is sharing the draft final prioritization methodology with its stakeholders to include the State of New Mexico (NM Environment Department and NM Mining and Minerals Division) and the Navajo Nation (Navajo Nation EPA [NNEPA], Navajo AML, Navajo DOJ, and Navajo Office of the President and Vice President). No further EPA action is planned for the prioritization methodology beyond what is described below and in Table 1.

EPA will proceed with robust discussions with the Navajo Nation and the State of New Mexico to finalize EE/CAs for all remaining sites concurrently. The EE/CAs will provide critical information such as draft remedy options with associated scope and cost, practical engineering logistics considerations, and public review and comment processes associated with individual draft EE/CAs.

Of the 34 mines in Region 9, EPA did not complete the draft EE/CAs as planned this year due to a convergence of factors. The most significant of these factors was the ongoing COVID-19 pandemic, resulting in travel restrictions for EPA staff¹ and repeated closures of Navajo Nation government offices, making it impossible to conduct the fieldwork necessary to complete the draft EE/CAs.

To summarize completed actions and next steps:

- EPA refined the draft prioritization methodology and developed an initial prioritization of all 54 sites.
- EPA completed draft final EE/CAs for 18 NAUMs under the Tronox Settlement.
- By September 30, 2021, EPA Region 9 will complete draft EE/CAs for four sites closest to residents, and by December 31, 2021, Region 9 will complete draft EE/CAs for the remaining 30 sites.
- By December 31, 2021, EPA will finalize its prioritized list of 54 sites. EPA will continue to meet with the Navajo Nation and the State of New Mexico during this process.
- By December 31, 2021, OMDP, in partnership with the Navajo Nation, State of New Mexico, and Regions 6 and 9, will establish a short, medium and long term funding allocation strategy for the prioritized NAUM sites. The allocation strategy and funding will be reviewed annually.

¹As an update, Region 9 has recently posted three staff in the Navajo Nation and added four new Remedial Project Managers for NAUM cleanups.

The EPA appreciates the opportunity to report the progress made in addressing contaminated mines identified in the Tronox Settlement. OMDP looks forward to working with the OIG to clean up the Tronox NAUM mine sites in Regions 6 and 9.

cc: Deb Thomas, Acting Administrator, Region 8
Shahid Mahmud, Acting Director, Office Mountains Deserts and Plains

Attachment

Attachment 1
OIG Original Corrective Actions and Status

In 2018, Regions 6 and Region 9 committed to completing several corrective actions in order to finish prioritization and resource allocation for the Tronox NAUMs. Region 6 divided the 18 Tronox NAUMs on private land in Ambrosia Lake into 4 study areas to more efficiently manage the investigations. Region 9 identified 34 Tronox NAUM Mines. All dates below are subject to change if COVID-19 restrictions and/or if weather conditions delay the start of field work. OLEM's Office of Mountains, Deserts and Plains will play an active role in the corrective actions below in accordance with its mandate.

Original Corrective Actions and Status			
No.	Recommendation	High-level Intended Corrective Actions	Estimated Completion / Region 6 and 9 Completion Status
1.	Complete the necessary removal site evaluations and engineering evaluations/cost analyses.	1.1 Complete removal site evaluations (RSEs).	Region 6 and Region 9 – COMPLETED May 31, 2019
		1.2 Complete engineering evaluations/cost analyses (EE/CAs).	December 31, 2020 Region 6 --COMPLETED 4 Draft Final EECAs for 18 Tronox NAUMs Region 9 – Draft 4 EE/CAs by September 30, 2021 at mines that are closest to residents, where exposure is higher, and human health risk is therefore potentially higher. Draft remaining EE/CAs by December 31, 2021
2.	Fully develop and implement prioritization and resource allocation methodologies for the Tronox abandoned uranium mine sites on or near Navajo Nation lands.	2.1 Complete development of prioritization methodology.	May 31, 2019 (COMPLETED)
		2.2 Refine prioritization methodology.	December 31, 2020 COMPLETED Draft Final July 2020
		2.3 Conduct mine cleanup prioritization.	December 31, 2020 Region 6 – COMPLETED Relative prioritizations for its 18 Tronox Mines October 30, 2020
			Region 9 – COMPLETED Relative prioritizations for the 34 Tronox Mines December 31, 2020. Share relative prioritization methodology results with Navajo Superfund Program (NSP) and

			<p>State of New Mexico by January 15, 2021.</p> <p>Complete prioritization list for funding by December 31, 2021</p>
		<p>2.4 Complete development and implementation of resource allocation methodology following the cost analysis of the preferred remedies</p>	<p>Establish a funding allocation strategy for the prioritized NAUM sites by December 31, 2021</p> <p>Complete final resource allocations by May 31, 2022</p>