

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

November 8, 2005

George Hill  
Bureau of Land Management  
Hollister Field Office  
20 Hamilton Court  
Hollister, CA 95023

Subject: Clear Creek Management Area Proposed Resource Management Plan and Final Environmental Impact Statement (EIS) [CEQ # 20050398]

Dear Mr. Hill:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

Based on our review of the Draft and Final EIS, BLM should issue its Record of Decision (ROD) for route designations to reduce erosion and sediment loading in streams and avoid impacts to special status species, including the San Benito Evening Primrose. Consistent with previous correspondence and our discussions to date, the ROD should include the FEIS's stated commitment to continue working with EPA and incorporate the results of our asbestos exposure evaluation into a subsequent NEPA document for CCMA management soon after our study is completed in July 2006. Please refer to our detailed comments (Enclosure 1) regarding management options that should be incorporated in this subsequent NEPA document.

We have appreciated BLM's willingness to collaborate with EPA on the asbestos exposure evaluation and concurred with BLM's decision to implement a CCMA closure for the summer 2005 season based on the results of air sampling conducted by EPA in September 2004. We now have additional new sampling data. EPA has just completed the enclosed *Technical Memorandum: Human Health Risk Assessment, Asbestos Air Sampling, Conducted November 2 and 3, 2004, Clear Creek Management Area, California - Part 1* (Enclosure 2). This Technical Memorandum evaluates the adult asbestos exposures and cancer risks for several individual activities at CCMA based on sampling conducted last November. Those samples indicate that the asbestos exposure concentrations in November were of a similar magnitude to asbestos exposure concentrations found during the September 2004 dry season sampling event.

Therefore, the exposure levels that led to BLM's decision to close CCMA from May through October 15 also exist in November as well.

The November child scenario sampling event has also revealed that children's asbestos exposures in the CCMA were up to 4.6 times higher than adult exposures for the same off-highway vehicle activities, with an average of 1.9 times higher. These exposure concentrations are provided in the enclosed table entitled, *CCMA Recreational User Asbestos Exposure Point Concentration - Child* (Enclosure 3). It should be noted that we have not yet calculated the health risks associated with these values. We will share this information with you as soon as it is available.

Based on this new information, BLM should take several measures to reduce asbestos exposure in the CCMA in the interim before your follow up NEPA document is completed. At a minimum, those measures should include (1) reducing children's exposure to asbestos; (2) improving public education/communication; and (3) committing to a 2006 summer dry season closure between Memorial Day weekend and November 15. These measures should also be committed to in the upcoming ROD, and we recommend that the first two measures be implemented as soon as possible.

We appreciate the opportunity to work cooperatively with you on these important issues. We will continue to share our exposure evaluation findings with you as they become available, and we remain committed to working with you to provide you with the most accurate information with which to make decisions on future CCMA management. We request a copy of the ROD when it becomes available. If you have any questions, please call me at 415-972-3843, or have your staff contact Jeanne Geselbracht at (415) 972-3853.

Sincerely,

/s/

Enrique Manzanilla, Director  
Communities and Ecosystems Division

Enclosures: (1) EPA's Detailed Comments: Clear Creek Management Area Final EIS  
(2) Technical Memorandum: Human Health Risk Assessment, Asbestos Air Sampling, Conducted November 2 and 3, 2004, Clear Creek Management Area, California-Part 1  
(3) CCMA Comparison of Adult and Child Asbestos Exposure Concentrations for Recreational Activities  
(4) April 14, 2005, letter from EPA to BLM

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cc: Robert Fletcher, California Air Resources Board

Richard Boyd, California Air Resources Board  
Catherine Witherspoon, California Air Resources Board  
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Mike Chrisman, California Resources Agency  
Alex Gonzalez, California State Lands Commission  
Connie Rutherford, U.S. Fish and Wildlife Service, Ventura  
Maria Barcos-Wallace, U.S. Occupational Safety and Health Administration, San Francisco



## **Enclosure 1**

### **EPA Detailed Comments Clear Creek Management Area Final EIS**

#### **Follow Up NEPA Document**

In our December 1, 2004, comments on the Draft EIS, we stated our conclusion that the information in that document did not adequately assess potentially significant impacts to human health from exposure to asbestos under the proposed action and alternatives. We expressed concern about the potential public health risk to recreationists visiting the Clear Creek Management Area (CCMA) and indicated that EPA was conducting a study to provide accurate information on asbestos exposure associated with typical activities in the CCMA. In an April 14, 2005 letter (Enclosure 4) from Lisa Hanf, EPA, to Bob Beehler, BLM, we requested that BLM commit in the current Final EIS and ROD to incorporate EPA's completed asbestos exposure evaluation into a subsequent final decision on allowable uses in the Asbestos Hazard Area of Critical Environmental Concern (ACEC). The Final EIS acknowledges that a full range of potential management decisions will be considered in a future NEPA document following EPA's completion of the asbestos exposure evaluation.

EPA supports the most expedited decision-making process for a final decision regarding recreational use at CCMA. The range of potential management options to be considered in that future NEPA document should include complete closure, more restrictive seasonal closures, further reductions in route designations, and changes or reductions in other recreational activities, and other mitigation measures. The follow up NEPA document should also consider a full range of mitigation measures, including requiring permits for CCMA access; requiring permit holders to sign an informed consent waiver; limiting the number of days per year an individual may enter the area; restricting access by young children; prohibiting camping inside the Asbestos Hazard Area; eliminating events that result in extraordinarily high OHV use; mandatory decontamination of vehicles prior to leaving the CCMA; and mandatory use of respirators (e.g., during certain exposure periods/activities).

#### **November, 2004, Sampling Results**

The enclosed Technical Memorandum evaluates the adult asbestos exposures and cancer risks for several individual activities at CCMA based on sampling conducted November 2 and 3, 2004. Those samples indicate that the exposure levels that led to BLM's decision to close CCMA for the 2005 summer dry season also exist during moist conditions. While the soil moisture content during the September, 2004, sampling event was zero percent, soil moisture content during the November sampling event ranged from 1.8 to 22.4 percent, with a mean of 8.7 percent. The November sampling occurred within a week of the CCMA receiving nearly one inch of rainfall. However, the November asbestos exposure concentrations were of a similar magnitude to asbestos exposure concentrations found during the September, 2004, sampling event. Asbestos exposure concentrations for motorized vehicle receptors (motorcycles, all terrain vehicles, and sport utility vehicles) and vehicle cleaning activities frequently exceeded the Occupational Safety and Health Administration (OSHA) Permissible Exposure Limit (PEL) of

0.1 fibers per cubic centimeter (f/cc).

In addition to providing adult asbestos exposure concentrations for various activities in the CCMA, the Technical Memorandum also estimates adult Excess Lifetime Cancer Risk (ELCR) using exposure assumptions appropriate for CCMA recreational users. EPA's Superfund Program defines an acceptable ELCR as less than one per 1,000,000 people, or between one in 10,000 and one in 1,000,000 people *if managed appropriately*. ELCRs exceeding this range are considered unacceptable. The estimated ELCRs for trailing motorcycle, ATV, and SUV riders during the November sampling event frequently exceeded the one in 10,000 risk range when the user was assumed to ride five or more days per year. The ELCRs for lead vehicle riders were often an order of magnitude less than ELCRs for trailing riders and sometimes less than one in 1,000,000. Risks associated with asbestos exposure concentrations for most other recreational scenarios fell between one in 10,000 and one in 1,000,000.

The November sampling event, which included mimicking children's exposure scenarios,<sup>1</sup> revealed that children's asbestos exposures in the CCMA were up to 4.6 times higher than adult exposures for the same off-highway vehicle activities, with an average of 1.9 times higher. These exposure concentrations are provided in the enclosed table entitled, *CCMA Recreational User Asbestos Exposure Point Concentration - Child*. It should be noted that we have not yet calculated the health risks associated with these values. The child exposure and health risk information will be described and analyzed in *Technical Memorandum: Human Health Risk Assessment, Asbestos Air Sampling, Conducted November 2 and 3, 2004, Clear Creek Management Area, California - Part 2*, which is not yet complete. We will share this Technical Memorandum with you as soon as it is available.

### **Interim Measures**

We appreciate BLM's commitment to preparing a follow up NEPA document on CCMA management based on EPA's sampling analysis when it is complete in July, 2006. We believe BLM should implement several measures to reduce asbestos exposure in the CCMA in the interim before your follow up NEPA document is completed. These measures should be committed to in the upcoming ROD. At a minimum, those measures should include:

1. Reduce Children's Exposure to Asbestos. EPA is concerned about childhood use of the CCMA. While we have quantified children's asbestos exposures in the CCMA, we have not yet quantified children's cancer risks from asbestos exposure there. However, the following factors are relevant:

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<sup>1</sup>The child scenario samples were collected by adult EPA contractors by placing personal sampling devices lower on their bodies to mimic a child's breathing zone while riding motorcycles and all-terrain vehicles, and in the child's breathing zone in the back seats of cars.

- \$ Children live longer than the latency period for asbestos-related diseases. Therefore, children with high asbestos exposures have a greater chance of developing an asbestos-related disease than older adults with the same asbestos exposures;
- \$ Children are generally in activities lower to the ground and, therefore, may be exposed to greater concentrations of asbestos than adults doing the same activities; and
- \$ Children tend to be on the trailing end of recreational activities (e.g., riding behind adults) and, therefore, are exposed to greater concentrations of asbestos than lead riders.

**Recommendation:** EPA urges BLM to consider mitigation measures to protect children from harmful asbestos exposures (e.g., restricting CCMA access by young children) as soon as possible.

2. Improve Public Education/Communication. We appreciate BLM's efforts in educating the public about the potential health risks associated with asbestos exposure at the CCMA. We believe BLM has several ongoing programs that present opportunities to inform visitors in a clear and unambiguous way that naturally occurring asbestos in the CCMA presents a health risk, and to explain those risks. These programs include your newly implemented CCMA visitor registration process, operation of the BLM CCMA Hot Line and publication of the CCMA Monthly Bulletin.

**Recommendation:** We recommend information provided during CCMA visitor registration clearly describe the naturally occurring asbestos in the Asbestos Hazard AEC and explain the human health risks. We also recommend that the BLM CCMA Hot Line and Monthly Bulletin include clear messages regarding the existence of naturally occurring asbestos in the CCMA and the associated health risks from exposure to it. We recommend BLM discontinue posting BLM personnel asbestos monitoring data on the Hot Line and in the Monthly Bulletin because these numbers are not meaningful and can be misleading. They are often not representative of the activities of CCMA visitors or of conditions on a given day. Therefore, they can give the false impression that asbestos levels are "safe." We believe communicating the risks of asbestos exposure is an important responsibility and wish to continue working with you to facilitate accurate information communication as soon as possible.

3. 2006 Summer Dry Season Closure. BLM's decision to close CCMA for the 2005 summer dry season was based on EPA's September, 2004, sampling results. Although last year rain began in the CCMA in October, historical precipitation data indicate the dry season at CCMA is usually from May/June through mid-November. We believe a 2006 dry season closure from Memorial day through November 15 is appropriate. Subsequent seasonal and permanent closures should be considered as future CCMA management options in BLM's follow up NEPA document.

**Recommendation:** In the meantime, we recommend BLM commit to closing the CCMA from Memorial Day weekend until at least November 15, 2006 based on the September and November, 2004, sampling results and historical precipitation data.

## **Watershed Resources**

In addition to the public health issues, we remain concerned about continuing impacts to watershed resources. While the proposed route closures will reduce overall sediment yield from roads in the CCMA, the significance of projected reductions in individual watersheds remains unknown. Therefore, it is unclear whether the proposed action would result in continued extreme sediment yields for specific watersheds.

**Recommendation:** BLM's monitoring program should include implementation, effectiveness, and validation monitoring for its watershed best management practices. The ROD should commit to monitoring during critical times in addition to routine (e.g., quarterly) monitoring. The ROD should also commit to contingency measures if best management practices prove ineffective. Such measures include further reducing stream crossings and/or road miles in affected watersheds.