



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8SEM-EMR

ACTION MEMORANDUM

SUBJECT: Approval and Funding for a Removal Action at the Pride of the West Mill Site in San Juan County, Colorado pursuant to the Division Director's delegated authority under CERCLA Section 104

FROM: Kerry Guy,
Federal On-Scene Coordinator

THRU: Laura Williams, Chief
Emergency Response Section

Deirdre Rothery, Chief
Emergency Management Branch

TO: Betsy Smidinger, Director
Superfund and Emergency Management Division

Site ID# B894

I. PURPOSE

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the Pride of the West Mill Site located in Silverton, San Juan County, Colorado, pursuant to the Division Director's delegated authority under CERCLA Section 104. This emergency response involves the collection and disposal of numerous abandoned drums and containers containing hazardous substances as well as pollutants or contaminants. Conditions existing at the Site present a threat to public health or welfare or the environment and meet the criteria for initiating a removal action under 40 CFR 300.415(b)(2) of the National Contingency Plan (NCP).

This removal action involves no nationally significant or precedent-setting issues. This removal action will not establish any precedent for how future response actions will be taken and will not commit the US Environmental Protection Agency (EPA) to a course of action that could have a significant impact on future responses or resources.

II. SITE CONDITIONS AND BACKGROUND

Site Name:	Pride of the West Mill
Superfund Site ID (SSID):	B894
NRC Case Number:	
CERCLIS Number:	CON000821088
Site Location:	Silverton, San Juan County, Colorado
Lat/Long:	37.8369/ -107.5932
Potentially Responsible Party (PRP):	Colorado Goldfields, Pride of the West LLC
NPL Status:	NPL
Removal Start Date:	05/21/2021

A. Site Description

1. Removal Site Evaluation

On May 11, 2021, the Colorado Division of Reclamation, Mining and Safety (DRMS) conducted an inspection at the Pride of the West Mill related to the agency's statutory obligation to complete reclamation at the previously permitted mill facility. This inspection identified numerous drums, bags, and containers in various states of integrity.

On May 17, 2021, the Colorado Department of Public Health and Environment (CDPHE) notified EPA of their concern for unsecured chemicals at the Site and requested assistance. This verbal request for assistance was followed up by a written request for assistance on May 20, 2021.

An EPA response team conducted an evaluation of the Site between May 21-28, 2021. The team identified hazardous substances, pollutants or contaminants in numerous abandoned drums and containers. Many of these drums and containers are compromised and leaking.

EPA's response team focused its efforts on four buildings at the Site: Leach Plant, Mill Building, Laboratory and Office/Shop. All of the buildings were easily accessible. Labels on the abandoned drums and containers were used to determine contents whenever possible and hazard classification tests were used to determine the contents of unknown or questionable containers.

The former cyanide Leach Plant contains 50 chemical containers: 38 drums, 11 bags, and a 1,000-gallon process vat. A total of 47 containers could be identified by labels and 3 could not (unknowns). The chemicals identified include 13 drums of sodium cyanide, one drum of hydrogen peroxide, 20 drums of carbon, and 11 bags of copper sulfate. The sodium cyanide drums were dated 2003 and located on the north side of the building accessible through a non-secured roll-up door.

The Mill Building contains 327 chemical containers: 102 drums, 180 bags, and 45 smaller miscellaneous containers. A total of 151 containers could be identified by labels and 176 could not (unknowns). Most of the drums in this building are located on the second floor and date stamps on the drums show production dates between 1994-2005. Metal supports and decking under the second-floor landing show corrosion from leaking drums above.

Approximately 1/3 of the drums in the Mill Building show significant corrosion and or leaking. Only 15 of the drums in this building could be identified by their labels, while 87 could not (unknown) and many of the drums appear to have been used to store waste. 19 drums were determined to contain cyanides and several of the mislabeled drums caused the sampling teams hydrogen cyanide monitors to alarm. 10 of the drums have been classified as flammable liquids, 9 as caustic liquid (corrosives), 5 as flammable liquid/acidic, and 5 combustible (greases). Another 4 drums contained sodium sulfide, a corrosive solid that when exposed to moist air can cause spontaneous heating and may cause ignition of nearby combustible materials.

The drums in the Mill Building were packed tightly together and present a danger of reacting with each other. The building is not serviced by water or fire suppression. Several locations of the roof were observed to be leaking during a rainstorm and several inches of water was observed in the basement due to broken roof pipe drains. There were several drums in this water in the basement.

The Laboratory contained 224 chemical containers. 122 containers had labeling that identified their contents, while 102 containers could not be identified due to inadequate labeling or multiple markings indicating that the container had been used for multiple purposes. All the containers in the Laboratory are less than one gallon in size. Chemical labels and hazard classification tests identified acids (sulfuric, phosphoric, several unknowns), bleach, caustic (corrosive) liquids (sodium hydroxide), ammonia, oxidizers, cyanides (sodium and potassium), lead compounds, chloroform, and numerous neutral unknown solids and liquids. The lab building was unsecured with many windows broken out.

The Office/Shop contained 62 drums and containers. The Office/Shop is across the road from the Leach Plant, Mill Building and Laboratory and appears to be recently occupied. The drums and containers in this building were well labelled and mostly consistent with what could be expected in an office and light mechanical garage. EPA removed 3 containers of strong acid from this building and placed them with the acids found in the Laboratory. EPA has no further plans to address the Office/Shop.

EPA identified an additional 7 drums in areas outside the buildings. These drums contained unknown neutral solids and gear oil.

2. Physical Location

The Pride of the West Mill facility is located several miles northeast of Silverton, Colorado, on County Road 2 (also known as Animas Forks Road) along the Animas River. The Mill facility has not operated for over two decades and consists of several structures situated within a steep river valley.

There are three homes located nearby. Animas Forks Road (County Road 2) is heavily used by tourists and the residents of Silverton.

3. Site Characteristics

The Site is a former milling facility that was once a permitted operation with the State of Colorado. That permit was held by Colorado Goldfields and was revoked by the State on December 15, 2016, for its failure to address an overflowing tailings pond that was impacting the Animas River.

The Pride of the West Mill buildings are located on the Howardsville Placer mining claim. That mining claim is currently owned by the Pride of the West LLC and was acquired in 2015 after the previous property owner failed to pay taxes on the property.

There is no indication that the Site will be permitted as a milling facility in the future.

4. Release or Threatened Release into the Environment of a Hazardous Substance, Pollutant, or Contaminant

EPA identified 670 abandoned drums and containers at the Site. These drums and containers contain a multitude of hazardous substances, pollutants, or contaminants. The contaminants of concern include listed hazardous substances in 40 CFR § 302.4 pursuant to Section 101(14) of CERCLA, unknown acids and caustics (corrosives), flammables (ignitable), reactives and various other pollutants and contaminants. Unknown chemicals that exhibit the characteristics of ignitability, corrosivity and reactivity pursuant to the Resource Conservation and Recovery Act (RCRA) meet the definition of RCRA hazardous wastes. RCRA hazardous wastes are CERCLA hazardous substances as defined by Section 101(14) of CERCLA.

These contaminants of concern are considered toxic and harmful to human health and the environment. Exposure, dependent on concentration and time, can cause vomiting, irritation of the stomach, dizziness, sleepiness, convulsions, rapid heart rate, coma, cancer and death. The acids and corrosives at the Site are severe dermal hazards and some may also pose inhalation hazards if reacted with incompatible materials, including water, which are present at the Site. The wastes which exhibit the characteristics of ignitability and reactivity pose a

threat of fire and explosion which could cause physical hazards and hazardous fumes that threaten nearby populations.

Drums of sodium cyanide were present in both the Leach Plant and Mill Building. This chemical is listed as an extremely hazardous substance under 40 CFR 355, App A. There is over 1,200 pounds of sodium cyanide in the Leach Plant.

The Leach Plant, Mill Building and Laboratory are in various states of decay and dilapidation. The buildings are not secure and do not have active fire suppression. The cyanide drums in the Leach Plant were accessible through an unsecured roll up bay door on the north side of the building. The Mill Building had significant roof deterioration and active roof leaks were present in several locations. The basement of the Mill Building had several inches of standing water. The windows of the Lab Building were broken and beer bottles in the area indicate possible trespassing.

5. NPL Status

This Site is within the boundaries of the Bonita Peak Mining District NPL Site. This removal action is being taken in addition to ongoing remedial investigation work at the Howardsville Colorado Goldfields Tailings source area within the Bonita Peak Mining District Site.

6. Maps, Pictures, Other Geographic Representations

A map of the Site is available in the Attachments.

B. Other Actions to Date

1. Previous Actions

EPA inventoried all containers and drums in the facility's Leach Plant, Mill Building, Laboratory, Office/Shop and surrounding outdoor areas. Where possible, EPA determined the contents of these drums and containers using existing labels. For those containers and drums with questionable or unclear labelling, EPA collected samples and conducted on-site hazard classification analysis.

EPA boarded up the windows in the Laboratory and verified that the doors and access to all four buildings were secure.

2. Current Actions

EPA collected samples from each of its predicted disposal waste stream. These samples have been analyzed at an off-site laboratory and these analytical results are being used to procure disposal facilities.

An EPA team is performing daily checks on the facility to verify it remains secure.

C. State and Local Authorities' Role

1. State and Local Actions to date

The State inspected the property after the facility's mining permit was revoked and requested EPA's assistance after this inspection was complete and the abandoned containers were discovered.

2. Potential for Continued State/Local Response

Because state and local resources are insufficient to address the immediate safety and environmental concerns at the site, the State formally requested assistance from the EPA's Removal Program.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Conditions at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR 300.415(b)(2) of the NCP.

EPA has considered all the factors described in 40 CFR 300.415(b)(2) of the NCP and determined that the following factors apply at the Site.

“(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants or contaminants:”

The Site is located along the very popular Animas Forks Loop, a major artery for tourists and locals touring historic mines and mills of the San Juan Mountains. Tourists pass the site en-route to the Animas Fork ghost town, which receives thousands of visitors each summer. The Site is adjacent to the county road and is an easy pull off along the tour. EPA's response team witnessed several visitors pulling off to explore the location especially when the crew was winding down and leaving the Site each day.

The Leach Plant, Mill, Laboratory and Office/Shop were all easily accessible to EPA's response team and presumably trespassers through unsecured overhead roll up doors, broken windows, and easily opened door latches. The windows of the laboratory were

broken when EPA arrived, and empty beer bottles indicated significant activity in and around the Site.

Many of the containers and drums are leaking hazardous substances and when EPA's response team opened several of the containers that were incorrectly labelled, air quality readings for cyanide spiked to levels dangerous to humans not wearing Level B personal protection (respirators and air tanks). In addition, if any of the cyanide-based chemicals found on Site were mixed with the acids found on Site, a toxic gas would be formed that would provide an immediate endangerment to human life.

Not only is there a danger for trespassers and visitors to the Site but local fire officials are concerned about the abandoned chemicals at the facility should they need to respond to a fire there.

“(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release:”

As discussed above, numerous abandoned chemical containers are present at the site. This includes listed hazardous substances, unknown chemicals classified as acid and caustics (corrosives), flammables, and various toxic substances; the more concerning being sodium cyanide which is present in numerous drums in both the Leach Plant and Mill Building.

“(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released:”

There was heavy rain during several days of EPA's evaluation effort. This rainfall leaked into the Mill building at several locations where drums and containers are stored. Over time, this exposure to water could worsen and further destabilize the integrity of nearby drums and containers and react with spilling containers. The Mill building basement had several inches of standing water during the assessment. Windows to the lab building were broken out and the lab is subject to seasons of heavy rainfall and heavy snow.

“(vi) Threat of fire or explosion:”

The wastes which exhibit the characteristics of ignitability and reactivity pose a threat of fire and explosion which could cause physical hazards as well as generating hazardous fumes which could impact nearby populations.

“(vii) The availability of other appropriate federal or state mechanisms to respond to the release:”

Local and state governments do not have the capability to conduct the action in a timely manner. The State of Colorado has requested EPA's assistance at this Site.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances pollutant and contaminants from this Site, if not addressed by implementing the response action described in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. SELECTED REMOVAL ACTION AND ESTIMATED COSTS

A. Planned Actions

1. Planned Action Description

The response action will include the following tasks:

- Mobilizing resources and equipment;
- Securing the Site and establishing work zones;
- Clearing pathways of debris and creating safe access throughout the facility;
- Staging chemical containers;
- Continue sampling, characterizing wastes, and conducting compatibility testing as necessary;
- Bulking like materials;
- Overpacking and lab-packing deteriorated, leaking containers in preparation for disposal;
- Providing for final transportation and disposal of chemical containers and bulked liquids according to waste streams and in compliance with the off-site rule, 40 CFR 300.440; and
- Demobilizing resources.

2. Contribution to Remedial Performance

This effort will, to the extent practicable, contribute to the efficient performance of any anticipated long-term remedial action with respect to the release concerned in accordance with 40 CFR 300.415(d).

3. Engineering Evaluation/Cost Analysis (EE/CA)

An EE/CA is not required for an emergency removal action.

4. Applicable or Relevant and Appropriate Requirements (ARARs)

Removal actions conducted under CERCLA are required, to the extent practicable considering the exigencies of the situation, to attain ARARs. In determining whether compliance with an ARAR is practicable, the lead agency may consider appropriate factors, including the urgency of the situation and the

scope of the removal action to be conducted. No ARARs have been identified at this time.

5. Project Schedule

The EPA conducted an evaluation of the Site on May 21-28, 2021 and plans to conduct the removal action June 21-July 2, 2021.

B. Estimated Costs*

	Estimated Costs
Evaluation ERRS contractor	\$ 157,000
Evaluation START contractor	\$70,000
Removal ERRS contractor	\$355,000
Removal START contractor	\$ 75,000
SUBTOTAL	\$ 657,000
Contingency costs (20% of subtotal)	\$ 131,000
Total Removal Project Ceiling	\$ 788,000

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

A delay in action or no action at this Site would increase the actual or potential threats to the public health and/or the environment.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

An investigation to evaluate potential enforcement options will be undertaken. A separate Enforcement Addendum will be prepared if appropriate providing a confidential summary of potential enforcement activities.

IX. APPROVALS

This decision document represents the selected removal action for the Pride of the West Site in San Juan County, Colorado, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b)(2) criteria for a removal action, and through this document, I am approving the proposed removal actions. The total

project ceiling is \$788,000; this amount will be funded from the Regional removal allowance.

APPROVE

Betsy Smidinger, Director
Superfund and Emergency Management Division

Date

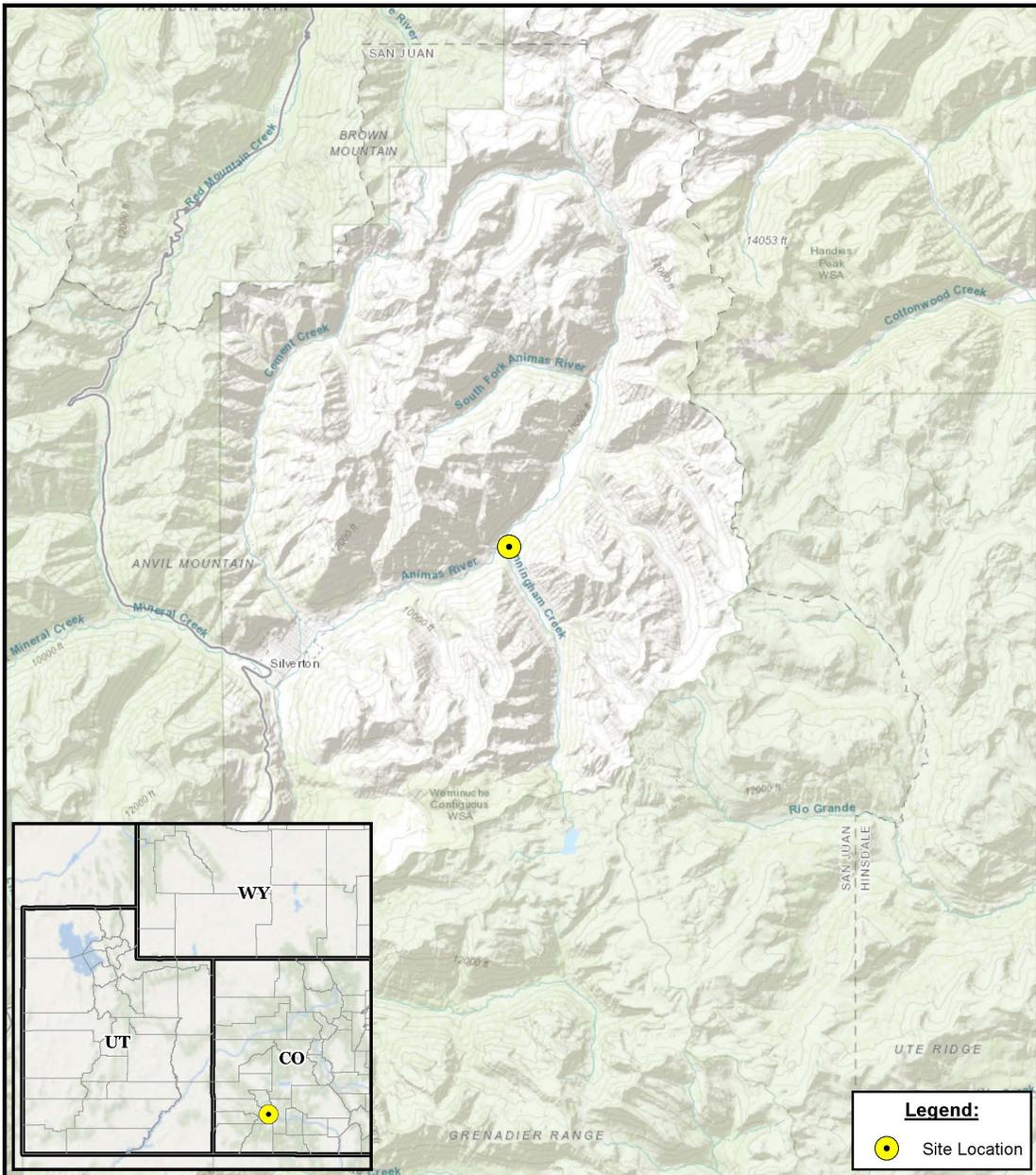
DISAPPROVE

Betsy Smidinger, Director
Superfund and Emergency Management Division

Date

Attachment: Site Maps

Path: C:\R8Projects\PrideOfTheWestMill\ArcGIS_Desktop\Maps_Reports\Figure 1 Pride of the West Mill Site Location Map.mxd



Legend:

- Site Location

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
 Projection: Mercator Auxiliary Sphere
 Datum: WGS 1984

Source:
 Background: ESRI USA Topo Maps (2021)



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 U.S. EPA - Region 8

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**FIGURE 1
 SITE LOCATION MAP
 PRIDE OF THE WEST MILL
 SILVERTON
 SAN JUAN COUNTY, COLORADO**

Date: 6/14/2021

Path: C:\R8Projects\PrideOfTheWestMill\ArcGIS\Desktop\Maps_Reports\Figure 2 Pride of the West Mill Site Layout Map.mxd



<p>Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere Projection: Mercator Auxiliary Sphere Datum: WGS 1984</p>	<p>Prepared for: U.S. EPA - Region 8</p>  <p>Contract: 68HE0820D0001 TO/TD: 2071-2105-21</p>	<p>FIGURE 2 SITE LAYOUT MAP PRIDE OF THE WEST MILL SILVERTON SAN JUAN COUNTY, COLORADO</p> <p>Date: 6/14/2021</p>
<p>Source: Background: ESRI World Imagery (2021)</p> <p>0 75 150 300 Feet</p> 	<p>Prepared By: Tetra Tech START V 1560 Broadway Suite 1400 Denver, CO</p> 	