



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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SUPERFUND &
EMERGENCY
MANAGEMENT DIVISION

MEMORANDUM

SUBJECT: Action Memorandum for the Gilmore Mine Waste Piles Emergency Response Site pursuant to the On-Scene Coordinator's delegated authority under Section 104 of CERCLA

FROM: Eric Vanderboom, On-Scene Coordinator
Emergency Response Unit
Emergency Management Program

THRU: Lori Muller, Acting Manager
Emergency Response Section Manager
Emergency Management Branch

Beth Sheldrake, Manager
Emergency Management Branch

TO: Administrative Record
Gilmore Mine Waste Piles

I. Purpose

The purpose of this memorandum is to document the decision to initiate emergency removal actions described herein for the Gilmore Mine Waste Piles Emergency Response Site ("Site") located in Gilmore, Lemhi County, Idaho pursuant to the On-Scene Coordinator's delegated authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

II. Site Information

A. Site Description

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|---------------------------|--------------------------|
| Site Name: | Gilmore Mine Waste Piles |
| Superfund Site ID (SSID): | 10QL |
| NRC Case Number: | NA |
| EPA ID Number: | IDN001002156 |
| Site Location: | |

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|-----------|---|
| County: | Lemhi County |
| Lat/Long: | Latitude: 44.45940880216895 Longitude: -113.27044679111911 |

Potentially Responsible Party (PRP): Refer to the Confidential Enforcement Memorandum.

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|-------------|------------------------------------|
| Access: | Unrestricted |
| NPL Status: | Not listed or proposed for listing |

B. Site Background**1. Removal Site Evaluation**

The Idaho Department of Environmental Quality (IDEQ), under a Site Assessment Cooperative Agreement with EPA, conducted two investigations at the Site in 2016 and 2017. Investigations revealed that the highest concentrations of lead and arsenic in source area mine waste are 41,200 milligrams per kilogram (mg/kg) and 818 mg/kg, respectively. The highest lead and arsenic concentrations found in soils within the occupied Townsite and surrounding lands are 29,500 mg/kg and 484 mg/kg, respectively. The analytical results of soil samples collected in 2016 and 2017 found soil lead levels above the residential removal management level (RML) for lead in soil of 400 mg/kg.

During the 2017 event, EPA conducted ambient air monitoring which revealed concentrations of lead in the Townsite as high as 0.435 ug/mg³.

2. Physical location and Site characteristics

The surrounding land includes a mix of private, state, and federal ownership. The area consists of the Gilmore townsite, nearby waste piles associated with historic mining activities, and surrounding privately and federally owned lands. Several tailings and waste rock piles are located to the west and topographically upgradient of the Townsite. The piles are primarily situated on a single 20-acre, privately owned parcel. The Townsite is located at the mouth of Liberty Gulch, throughout which historic mining activities took place in the late 1800s and early 1900s. Several intermittent streams originating in the Lemhi Mountain Range flow east through the former mine area and across the northern portion of the Townsite. The 90-acre Townsite consists of parcels of varying sizes, most of which are unoccupied.

Properties surrounding the Site include:

- North: Bureau of Land Management (BLM) land (Spring Canyon grazing allotment)
- South: Lemhi Range
- East: State Route 28 and Texas Creek
- West: Lemhi Range

The population is currently transient and varies by season. Many landowners use their properties during summer months as a recreation/vacation destination. The year-round population of the Townsite is estimated at less than 30 people. Limited information exists on the demographics of parcel owners, permanent or seasonal residents, and visitors. According to U. S. Agency for Toxic Substances and Disease Registry (ATSDR), the census tract that encompasses the Gilmore townsite has a 2020 Social Vulnerability Index of 0.6, indicating a medium to high level of vulnerability in comparison to other areas of Idaho.

Shoshone-Bannock tribal members frequent the area on their way to gather, hunt, and fish, as part of their traditional range. They collect medicinal plants during the spring just after snow melt and mix soil collected in the area with water for drinking and as a salve for the skin during traditional practices.

3. Release or threatened release into the environment of a hazardous substance, pollutant or contaminant.

The primary contaminants of concern for the removal action are heavy metals from mining activities, especially lead and arsenic. These contaminants are hazardous substances or pollutants or contaminants as defined by Sections 101(14) and (33) of CERCLA, 42 U.S.C. § 9601(14) and (33). The primary source area of the heavy metals contamination at these properties consists of piles comprised of mine waste material (tailings and waste rock) which have impacted roads and properties throughout the Site.

III. Threats to Public Health Welfare or the Environment

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants.

The conditions at the Site met the following factors which indicate that the Site is a threat to public health or welfare of the United States or the environment and removal action is appropriate under 40 C.F.R. § 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

B. Applicable factors (from 40 C.F.R. § 300.415) which were considered in determining the appropriateness of a removal action:

1. Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].

In July 2023, the U.S. Agency for Toxic Substances and Disease Registry (ATSDR) released a Health Consultation summarizing its findings from the evaluation of heavy metal contamination in the Gilmore area. ATSDR's findings identified risks from lead contaminated soils and made recommendations for environmental agencies, Site residents, and visitors. ATSDR's health consultation report indicates that recreational and residential users at the Site face health risks due to physical contact with contaminated soil and the potential for ingestion of metals. The health consultation identified the following risks from lead contaminated soils:

- o Children, pregnant women, and adults who reside or visit the Townsite multiple times.
- o People who work, dig, or excavate soil in the mining area or Townsite on a regular basis.
- o Adults or children visiting or playing around abandoned mine shafts.

Potential human exposure routes include direct contact with and ingestion of contaminated soil. Human receptors include residents, visitors, and passers-by. The potential for exposure is increases with the frequency and duration of exposures.

4. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].

Bare soils with lead concentrations as high as 41,200 mg/kg lead and 818 mg/kg lead are susceptible to migration, including via fugitive dust, and water, or wind erosion. Many properties are only partially vegetated. Lead is present at elevated concentrations in shallow surface soil (i.e., 0-1 inch below ground surface [BGS]), which create a high potential exposure scenario.

5. Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].

The climate in the area within which the properties are located includes freezing winters with a large amount of snow and hot, often dry and windy summers. These weather conditions can increase the likelihood that the contaminants in shallow surface soil are susceptible to dispersion. Snowmelt and rains in the spring may disperse contaminants in surface water runoff and the dry, hot and windy conditions in summer and early fall may cause contaminants to disperse by wind, especially in areas that are not protected by a vegetated cover.

7. The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].

There are no known other appropriate federal or state response mechanisms capable of providing timely and necessary resources to address the potential human health risks associated with the hazardous substances.

IV. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation

During the 2023 field season, EPA Region 10 Site Assessment Program conducted field sampling events in support of the Site Investigation (SI) activities.

2. Removal activities to date:

None

3. Enforcement

See Confidential Enforcement Addendum.

B. Planned Removal Actions

1. Proposed action description

In August 2023, EPA performed an Emergency Removal Action addressing impacted right of ways within the Townsite. Magnesium-Chloride (Mag-Chloride) was applied as a dust suppressant along approximately 3 miles of dirt roads with an average width of 12 feet within the Townsite. Mag-Chloride was applied in such a way that it will suppress dust for the remainder of the recreational field season at Gilmore (2-3 months), if not longer. Dust from right of ways is a primary source of ongoing exposure to lead and arsenic.

2. Contribution to remedial performance

The Site is not listed, or proposed for listing, on the National Priorities List (NPL). The subject response action described in this memorandum is an emergency response removal to remove hazardous substances at the Site. The interim action will not impede any

future removal or remedial action at the Site should new information indicate such an action is needed.

3. ARARs

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted. Due to the scope and exigency of the removal action taken, there were no practical ARARs.

4. Project Schedule

The response took two days to perform. Crews mobilized equipment and materials to site on Aug. 16, 2023, and the stabilization was performed on Aug. 17, 2023. All field personnel demobilized from the site on Aug. 17, 2023.

C. Estimated Costs*

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|--|--------------------|
| Contractor costs (ERRS/START staff, travel, equipment) | \$35,000 |
| Other Extramural Costs (Strike Team, other Fed Agencies) | \$\$\$ |
| Contingency costs (~15% of subtotal) | \$5,021.45 |
| Total Removal Project Ceiling | \$40,021.45 |

* The above costs are an estimate of extramural costs that count toward the Removal Ceiling. Other 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 all costs incurred by the EPA as set forth in Section 107 of CERCLA.

V. Expected Change in the Situation Should Action Be Delayed or Not Taken

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

VI. Outstanding Policy Issues

None.

VII. Approvals

This action memorandum represents the selected emergency response removal action for this Site, developed in accordance with CERCLA as amended, and 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) criteria for a removal action and through this document and pursuant to the December 29, 2022, 14-2 redelegation of authority to the On-Scene Coordinator for CERCLA Section 104 response actions under \$250,000, I am approving the proposed removal actions described herein. The total project ceiling is \$40,021.45; this amount will be funded from the Regional removal allowance.

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Eric Vanderboom
Federal On-Scene Coordinator

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VIII. Endangerment Determination under CERCLA Section 106

Actual or threatened releases of hazardous substances from this Site may present an imminent and substantial endangerment to public health, welfare or the environment.

Beth Sheldrake, Manager
Emergency Management Branch

Date

Figure 1: Gilmore Mine Waste Piles Site Location and Vicinity

Figure 2: Gilmore Mine Waste Piles Site Layout and Parcel Map