



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8SEMD-EMR

ACTION MEMORANDUM

SUBJECT: Action Memorandum for a Removal Action at the La Manga Pass Spill Site pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104.

FROM: Joyel Dhieux, Federal On-Scene Coordinator
Response Section

THRU: Kerry Guy, Supervisor
Response Section

Deirdre Rothery, Manager
Emergency Management Branch

TO: Ben Bielenberg, Acting Director
Superfund and Emergency Management Division

I. Purpose

The purpose of this memorandum is to document the decision to initiate emergency response actions described herein for the La Manga Pass Spill Site (Site) located near Antonito, Conejos County, Colorado pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104. This emergency response involved the excavation, transportation, and disposal of uranium mine waste materials released from a tractor-trailer accident. Conditions existing at the Site presented 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).

II. Site Information

A. Site Description

Site Name: La Manga Pass Spill
Site Spill ID (SSID): #B8H4
NRC Case Number: 1381521
CERCLIS Number: CON000826406
Site Location: Highway 17, Milepost 14, Antonito, CO 81120
Lat/Long: 37.104889, -106.372462
Potentially Responsible Party (PRP):

NPL Status: Non-NPL
Removal Start Date: 10/12/2023.

B. Site Background

1. Site Evaluation

On October 12, 2023, a dump truck carrying mine waste materials overturned on Highway 17 (milepost 14) on La Manga Pass, located outside of Antonito, Colorado. The release was reported as 22.5 tons of non-hazardous uranium mine waste with naturally occurring radium 226. Radium 226 is considered an environmental hazard and potentially a hazardous substance. The release occurred in the highway right-of-way and with no observed impacts to waters.

The mine waste material was transported from an Abandoned Uranium Mine Transfer Station on the Navajo Nation as part of a time critical removal action that U.S. EPA Region 9 is conducting at the former Cove Transfer Station (CTS) in Cove, Arizona, Navajo Nation.

On October 12, 2023, the U.S. EPA Region 8 deployed an On-Scene Coordinator (OSC) and contractors to provide technical assistance and direction of removal activities. In addition, the EPA OSC coordinated response efforts with representatives from the Colorado State Patrol, Colorado Department of Transportation (CDOT), the U.S. Forest Service (USFS) Rio Grande National Forest, and potential responsible parties.

The EPA OSC and START contractors completed an initial assessment and mapping of the spill on October 13-14, 2023. START contractors monitored background and mine waste radiation levels with Ludlum instrumentation. Background radiation levels were monitored at 12 $\mu\text{R/hr}$. Radiation levels of the spilled mine waste were monitored between 14-18 $\mu\text{R/hr}$.

On October 14, 2023, contractors for the trucking company conducted the clean-up and removal of spilled materials with EPA over-sight. The spilled material was loaded into two truck trailers for transportation to the Clean Harbors Deer Trail Facility. Upon completion of the removal, EPA START contractors screened the impacted area for radiation with Ludlum instrumentation. The removal was determined to be complete once radiation levels returned to background levels.

2. Physical location and Site characteristics

The Site is located on Highway 17, near mile marker 14, Antonito, Colorado 81120. The Site is adjacent to the highway approximately one mile below the top of La Manga Pass and is within the Rio Grande National Forest. The nearest communities are Chama, New Mexico, and Antonito, Colorado, located 20 and 28 miles away, respectively.

According to EPA's Environmental Justice (EJ) Screening and Mapping Tool, The data do not indicate a potential area of EJ concern at or near the Site.

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

Approximately 22.5 tons of non-hazardous uranium mine waste with naturally occurring radium 226 was released during the truck accident. All radionuclides, including radium 226, are designated as hazardous air pollutants by the Clean Air Act section 112. Consequently, radium 226 is considered a hazardous substance under CERCLA 101(14) and 40 CFR 300.5.

III. Threats to Public Health Welfare or the Environment

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

The uranium mine waste materials contained radium, a naturally occurring radioactive metal. Radium 226 is a common isotope that is formed with the decay of uranium in the environment. Radium decays to produce radon gas. During the decay process, radium releases alpha, beta and gamma radiation. All isotopes of radium, including radium 226, are radioactive.

Radium can enter the body when it is breathed in or swallowed. Chronic exposure to radium can result in an increased incidence of bone, liver, or breast cancer. Radon gas is the second leading cause of lung cancer in the United States.¹

B. Check applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action: 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.

- ☒ 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)].
- ☒ Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].
- ☐ Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].

¹ U.S. Environmental Protection Agency, Radionuclide Basics: Radium, <https://www.epa.gov/radiation/radionuclide-basics-radium>, February 16, 2023.

- ☒ 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)].
- ☒ Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].
- ☐ Threat of fire or explosion [300.415(b)(2)(vi)].
- ☒ The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].
- ☐ Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

IV. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation

The response action is largely complete, pending disposal of the mine waste materials.

2. Removal activities to date:

A) Federal Government/Private Party

The U.S. EPA OSC and START contractors conducted an initial assessment, documented the removal actions, and completed monitoring and sampling of the Site upon completion of the removal action. The EPA OSC oversaw completion of the response action.

The USFS at the Rio Grande National Forest advised the OSC on re-seeding the impacted area.

The trucking company transporting the waste conducted the clean-up and recovery of the spilled materials. In addition, the trucking company's contractors installed erosion controls and re-seeded the impacted area with a seed mix recommended by the USFS.

B) State/Local

The Colorado State Patrol and CDOT responded to the initial truck accident and secured the scene. The spilled mine waste materials were demarcated by the Colorado State Patrol. Upon review of the waste manifest, the Colorado State Patrol notified the EPA Region 8 Phone Duty Officer of the incident and the release of the mine waste materials.

3. Enforcement

Where the responsible parties are known, an effort initially shall be made, to the extent practicable, to determine whether they can and will perform the necessary removal action promptly and properly.

B. Planned Removal Actions

1. Planned action description

The response action will be complete upon disposal of the mine waste materials and confirmation sampling. Additional re-seeding is planned for the areas that were initially thinly re-seeded.

2. Contribution to remedial performance

The proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the site.

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. To date, no ARARs have been identified for this Site.

4. Project schedule

Removal activities, including disposal and sampling results are anticipated to be completed by December 2023.

C. Estimated Costs*

Contractor costs (ERRS/START staff, travel, equipment)	\$40,000
Other Extramural Costs (Strike Team, other Fed Agencies)	\$0
Contingency costs (20% of subtotal)	\$8,000
Total Removal Project Ceiling	\$48,000

* 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.

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 decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and is not inconsistent with the National Contingency Plan. This decision is based on the administrative record for the Site.

Conditions at the site met the NCP section 300.415(b) criteria for a removal action and through this document, I am approving the proposed removal actions. The total project ceiling is \$48,000, this amount will be funded from the Regional removal allowance.

—

Joyel Dhieux
Federal On-Scene Coordinator

Date