




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

**MEMORANDUM**

**DATE:** July 13, 2016

**SUBJECT:** Request for Concurrence on Change in Scope for Proposed Nationally Significant or Precedent-Setting Removal at Cove Transfer Stations Site, Tronox Navajo Area Uranium Mines, Cove Chapter, Navajo Nation Indian Reservation, Apache County, Arizona

**FROM:**  Daniel Meer, Assistant Director, Emergency Response, Preparedness and Prevention Branch  
Superfund Division (SFD-9-2), Region 9

**TO:** Reggie Cheatham, Director  
Office of Emergency Management

**I. PURPOSE**

The purpose of this memorandum is to request your concurrence on a **time-critical removal action** to mitigate threats to human health and the environment posed by the presence of uranium mine waste at Cove Transfer Stations Site (Transfer Stations #1 and #2) on the Navajo Nation Indian Reservation within the Cove Chapter, in Apache County, Arizona ("the Site"). Redelelegation of Authority R-14-2 gives the Director of the Office of Emergency Management (OEM) the authority to concur on nationally significant or precedent-setting removals.<sup>1</sup> This request is for approval of an additional action to effectively contain the uranium mine waste contamination at the Site, by improving the soil cap and revegetating the improved cap at Transfer Station #1.

The original Action Memorandum for this Site was dated September 19, 2012, and there have been two amendments dated June 6, 2013 and August 14, 2013. An exemption from the \$2 million statutory limit for a removal action was requested and approved in the original 2012 Action Memorandum (\$2,039,197) and in the two 2013 amendments (a total of \$3,593,197 in June 2013 and a total of \$4,625,197 in August 2013). However, total actual direct extramural expenditures at or in connection with the Site to date have been only \$2,468,781.71. Region 9 has estimated that the direct extramural costs, including contingencies, for this proposed action to address erosion of the cover soils at Transfer Station #1 and the failure of prior efforts to revegetate that cover will be \$1,152,000. As a result, this third amendment to the original Action Memorandum, if approved, would bring

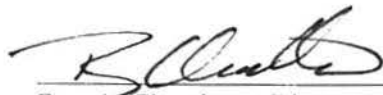
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<sup>1</sup> See September 2009 Superfund Removal Guidance on Preparing Actions Memoranda ("2009 Guidance"), removals in Indian Country generally require OEM concurrence (see p. 45).

additional \$1,152,000 in direct extramural costs. To date, a total of \$2,468,781.71 in extramural costs have been incurred at or in connection with the Site. As noted above, this Action Memorandum, if approved, would bring the total project ceiling for direct extramural costs to \$3,620,781.17 (already expended \$2,468,781.71 + estimated \$1,152,000). The proposed action meets the criteria for an exemption to the \$2 million and 12-month statutory limits because, as required by Section 104(c)(1)(A) of CERCLA and 40 C.F.R. § 300.415(b)(5)(i), (1) there is an immediate risk to public health or welfare or the environment; (2) the response actions are immediately required to prevent, limit, or mitigate an emergency; and (3) such assistance will not otherwise be provided on a timely basis. There continues to be an immediate risk posed by the conditions at the Site, which may increase if the removal action is not performed before heavy rains expected later this summer, and there is no timely source of non-federal response funds available. The proposed removal action, including the change in scope and exemption to statutory limits, is necessary to abate these threats. EPA Region 9 believes that, until the response has been completed, the emergency conditions will persist at the Site and that these conditions warrant an exemption from the \$2 million and 12-month limitations.

The Cove Transfer Stations Time-Critical Action Memorandum, Third Amendment, is attached for your review. My approval awaits your concurrence.

Approve:



Reggie Cheatham, Director  
Office of Emergency Management

7/22/16

Date

Disapprove:

Mathy Stanislaus, Assistant Administrator  
Office of Land and Emergency Management

Date

Attachment A: Approval of Change in Scope and Exemption from the \$2 Million and 12-Month Statutory Limits for a Removal Action at the Cove Transfer Stations (Third Amendment) -- Abandoned Uranium Mine (AUM) Site, Cove Chapter, Nation Indian Reservation.

cc: Jean Schumann, U.S. EPA, OEM, HQ  
Randy Nattis, U.S. EPA, R9 OSC, Superfund Division (SFD-9-2)  
Laurie Williams, U.S. EPA, R9 ORC  
Harry Allen, U.S. EPA, R9 Chief, Emergency Response Section (SFD-9-2)  
Daniel Meer, U.S. EPA, R9 Assistant Director, Emergency Response, Preparedness and Prevention Branch