

**RESPONSE TO COMMENTS**  
**AZURITE MINE AND MILL SITE**  
**CERCLA<sup>1</sup> REMOVAL PROJECT**

Introduction

Notice of the availability of the Administrative Record File and the Azurite Mine and Mill Site Engineering Evaluation/Cost Analysis (EECA) for public comment was made in the Newspaper of Record (*Wenatchee World*) on December 9, 2008. Comments were accepted for period of thirty days.

Three letters providing comments on the Azurite Mine and Mill Site EECA and the proposed clean-up alternative were received by the Okanogan and Wenatchee and Mt. Baker-Snoqualmie National Forests (See Appendix for comment letters and comment numbering).

Substantive Comments and Responses

1. Two responders concurred with the selection of Alternative 2B as the preferred clean-up alternative but voiced concern about its potential impacts on possible future wilderness designation of the surrounding inventoried roadless area (Comments NC3-01, SC-01).

*Response: Considering the pre-existence of mine site disturbance and the existing mine access road, the proposed clean-up will result in little new disturbance. Removal and covering of anomalously-colored Wenatchee waste rock and tailings should help return the Site to a more naturally appearing condition. Overall, the project should not make the area less suitable for consideration as Wilderness in the long term. Responses to specific concerns are addressed under specific comments below.*

2. One responder preferred the No-Action alternative stating that the potential human health hazard was not real and not sufficient to justify the clean-up cost (Comment Y-01) and that Alternative 2B does not resolve the problem because the waste remains on Site (Comment Y-04).

*Response: Based upon the human health risk assessment (Streamlined Human Health and Ecological Risk Assessment Azurite Mine and Mill Site, MFG, 2008 [SRA]), unacceptable human health risks are present at the Site in the form of arsenic in waste rock, tails and mill-area soil. Carcinogenic risks from arsenic through ingestion and dermal exceed Washington State Model Toxics Control Act (MTCA) risk criteria (1.E-06) for a typical recreational Site user. While contaminated waste rock, tailings and mill-area soil remain on Site, the material*

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<sup>1</sup> Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended

*will no longer be exposed to surface and stream erosion and will be isolated from potential human and ecological receptors. Furthermore, the potential for catastrophic failure of the Wenatchee adit waste rock and resulting impact to the Mill and Canyon Creek aquatic environments will be eliminated.*

3. Access to the Site should be limited by gating the mine access road at USDA Forest Service (FS) Road 5400-700 to eliminate access by ATV and/or ORV and restricting public access to foot travel only (Comments NC3-05, SC-02).

*Response: For public protection the Azurite mine site and access road (FS Trail 475) will be closed at FS Road 5400-700 using a gate or other appropriate means during clean-up activities. Traffic may also be restricted on the Harts Pass Road (FS 5400) during periods of project mobilization. Appropriate warning signs will also be placed at various points to assure public protection during Site clean-up activities. Long term road and trail access management is beyond the scope of the Removal Action decision and is not affected by the decision.*

4. Who is going to pay for the clean-up (Comment Y-02)?

*Response: The primary former operator of the mine and potential responsible party, ASARCO LLC, declared Chapter 11 bankruptcy in August 2005. That case is expected to be settled at the end of this year. The FS expects that a substantial portion of the Azurite clean-up will be paid through settlement of the FS claim.*

5. Why is there no alternative to extract the gold from the tailings and waste rock to help pay for the cleanup (Comment Y-03)? This comment was later withdrawn (Comment Y-05).

*Response: No response needed.*

6. The mine access road should be decommissioned or reconstructed as a trail (Comments NC3-06, SC-04).

7. *Response: Given the potential long-term need for Site access no physical reduction of road width is planned. Adequate surface water drainage will be installed and the road reseeded. Reduction of road width would be difficult on steeper slopes such as that in Mill Creek drainage and would likely result in unacceptable aesthetic impacts.*

8. The length of the access road, expected 30-year use, aesthetic scar of the road, potential invasion of exotic species, and intrusion of the road on a potential wilderness area should be mitigated (Comment SC-03)

*Response: See Response to Comment 1. Little new disturbance will result from the Removal action. Where road maintenance or widening is necessary, excess material will be end hauled to minimize both the amount of new material cast on the fill slopes and aesthetic impacts. Standard Best Management Practices (BMPs) will be employed to prevent infestation and control invasive plant species.*

9. The FS needs to set aside adequate money to assure that funds will be available for road maintenance and decommissioning when the access road is no longer needed and to mitigate its reconstruction and use by decommissioning other roads in the area (Comments NC3-02 & 03, SC-05).

*Response: Long-term operations and maintenance costs, such as monitoring, and access road maintenance and closure will be included in the Removal contract to the extent that funding is available. Travel management decisions such as non-Site-related road closure or decommissioning on the forest are beyond the scope of the Removal decision.*

10. Consider accessing the Site for monitoring after the first decade using helicopter, horseback or other means less expensive than maintaining the road for vehicles (NC3-04).

*Response: Evaluation criteria for Removal action alternatives include cost as well as other factors. Cost will continue to be a consideration and could result in modifications to designated access methods for operations and maintenance as time progresses. However, other factors such as safety and implementability must also be considered in those decisions.*

11. Mineral rights associated with both the Azurite and Gold Hill mines should be withdrawn to prevent future mining (Comments NC3-07, SC-06)

*Response: While the Forest Service could, as part of the removal action, submit an application for withdrawal from entry under Federal mineral authorities to the Department of the Interior it has not done so because it concludes that the alternative means of protecting the integrity of the removal action is adequate.*

# **APPENDIX**

## **AZURITE MINE AND MILL SITE COMMENT LETTERS**

### **Showing Comment Numbering**

1. North Cascades Conservation Council
2. Sierra Club
3. A. R. Young