



Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality

2146 NE 4th Street, Suite 104

Bend, OR 97701

(541) 388-6146

Eastern Region

Bend Office

June 11, 2003

Larry Timchak, Supervisor  
Ochoco National Forest  
3160 NE 3<sup>rd</sup> Street  
Prineville, OR 97754

Silvia Kawabata  
Unit Manager, Site Assessment  
US EPA Region 10  
1200 6<sup>th</sup> Ave., ECL-115  
Seattle, WA 98101

Dear Mr. Timchak and Ms. Kawabata:

DEQ has reviewed the information on the Ochoco National Forest web site regarding the proposed remedial actions at the former Amity and Blue Ridge mercury mines located on the Ochoco National Forest in Crook County, Oregon. Based on this review, DEQ has concerns that this proposed cleanup will not meet applicable state environmental rules.

It appears likely that the proposed cleanup may violate federal RCRA and state hazardous waste rules, state solid waste rules and state cleanup rules:

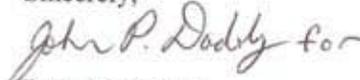
- DEQ's finding is that the mercury processing wastes at both sites are subject to federal RCRA and state hazardous waste rules as mine processing waste that is not exempt under RCRA. The proposed plan does not explain how these wastes will be evaluated for state and federal hazardous waste requirements: including characterization, storage, treatment and disposal.
- The demolition wastes proposed for landfill disposal and recycling will need to be properly characterized and disposed of at a permitted facility which can handle these special wastes.
- It is not clear how the hotspot calculations were made or whether the selected remedy will be protective under state cleanup rules.

In addition, DEQ is concerned that the U.S. Forest Service is non-compliant with CERCLA requirements regarding the involvement of the state in setting protective levels and setting state Applicable or Relevant and Appropriate Requirements (ARARs). CERCLA requires that a federal agency conducting work under CERCLA must work with the state in establishing ARAR's. To date this proposed remedial action has not received state coordination and concurrence. It is strongly recommended that the Forest Service work with DEQ through the State's Voluntary Cleanup Program to assist with establishing site ARAR's in addition to assessing and cleaning up sites in compliance with state and federal regulations.

Larry Timchak, Silvia Kawabata  
June 11, 2003  
Page 2 of 2

If you have any questions, please contact me at (541) 388-6146 ext. 236.

Sincerely,



Brett McKnight  
Cleanup Program Manager  
Eastern Region

Cc: Bob Fujimoto, USFS, Portland  
Dennis Boles, Winema National Forest  
Ken Marcy, EPA Region 10, Seattle  
John Dadoly, ER Site Assessment, Pendleton