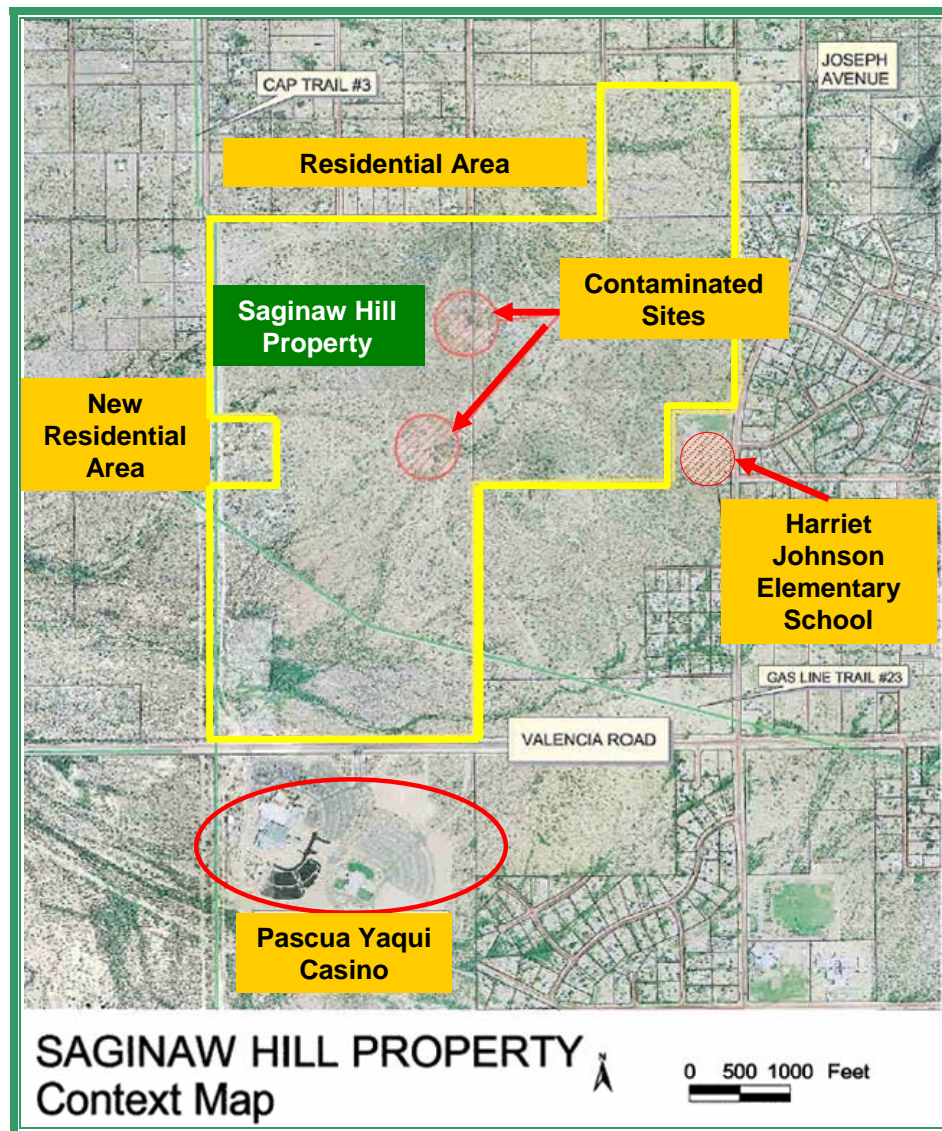




U.S. Department of the Interior Office of Inspector General

FLASH REPORT

PUBLIC SAFETY ISSUES AT THE SAGINAW HILL PROPERTY BUREAU OF LAND MANAGEMENT





United States Department of the Interior

OFFICE OF INSPECTOR GENERAL
Washington D.C. 20240

March 15, 2005

Memorandum

To: Director, Bureau of Land Management
Field Manager, Tucson Field Office

From: Roger La Rouché *Roger LaRouché*
Assistant Inspector General for Audits

Subject: Public Safety Issues at the Saginaw Hill Property, Bureau of Land Management
(Report No. C-IN-BLM-0013-2005).

This report presents information regarding the Bureau of Land Management's (BLM) Saginaw Hill Property that requires immediate remedial action - hazardous substances from contaminated mine waste and physical hazards such as open mine shafts.



This picture shows one of the contaminated areas on the Saginaw Hill Property and its proximity to the surrounding populated areas.

In February 2005, Office of Inspector General auditors visited the Saginaw Hill Property as part of an audit of the Department of the Interior's management of hazardous

waste sites. The objective of the audit is to evaluate the Department's processes and procedures to identify, track, and prioritize sites containing hazardous substances. During the audit we identified the conditions noted in this report.

BACKGROUND

The Saginaw Hill Property is a 540-acre parcel of land located in Pima County just outside the city of Tucson, Arizona. From the late 1800s through the mid 1900s mining occurred on the site. The mining left behind two contaminated areas and numerous physical hazards that pose a significant threat to human health, safety, and the environment. Public access to the site is unrestricted, and frequent public uses include recreational activities such as hiking, camping, off-road vehicle use, and rock collecting, as shown in the following photographs.



All-terrain vehicle users frequent the Saginaw Hill area.



Close-up of visitor collecting rocks at the site.



Visitors collecting and removing rocks at the site

There is an elementary school 1/3 of a mile from the site and there is a path that leads from the elementary school to the contaminated areas.



This photo, which was taken from Saginaw Hill, shows well-worn trails that lead from the school to the contaminated areas.

In addition, new homes are being built within 1 mile of the property, existing homes are as close as 800 feet, and there is a Pascua Yaqui casino and amphitheater approximately ½ mile away.



View of the new residential housing development from the Saginaw Hill Property.



This house is approximately 800 feet from the contaminated area.



View of the Pascua Yaqui Casino from the Saginaw Hill Property.

OBSERVATIONS

During our site visit, we discovered that the general public had unrestricted access to numerous hazards at the Saginaw Hill Property, including contaminated mine waste and open mine shafts. BLM erected a barbed wire fence around two small areas of contamination in December 2003. Our inspection disclosed that the fencing had been vandalized or compromised, allowing unrestricted access. There were no signs anywhere on the property prohibiting entry or warning the public of the contamination and safety hazards at the site.



Close-up showing where a section of the fence has been cut.



The compromised fence allows easy access to one of the contaminated areas.



Another view of the compromised fence.

Hazardous Substances

Since 1988, four environmental assessments have been performed at the Saginaw Hill Property. Pima County performed two of these assessments to evaluate the suitability of the land for use as a park. All of the assessments identified toxic levels of lead. Assessments in 1989, 2003, and 2004 also identified dangerous levels of arsenic. At least one of the assessments concluded that both contaminants were present in amounts that exceeded safe levels established by the Arizona Department of Environmental Quality and BLM by up to 20 times. That notwithstanding, BLM published its determination that the property was suitable for a lease to Pima County as a park in the Federal Register in September 2002.

Pima County's 1988 and 1989 assessments reported that groundwater contamination was possible and recommended that a comprehensive assessment be conducted. BLM did not conduct a comprehensive assessment and took no action to remove the contaminants from the site until 2003, thus prolonging the environmental exposure and widening the risks to the public. In 2003, BLM performed a preliminary assessment and confirmed the presence of toxic levels of arsenic and lead.

In 2004, BLM had a contractor perform well water tests on two wells near the site, and the results indicated unsafe levels of arsenic and lead in one well. BLM has some concerns

about the accuracy of the test results because of the methodology used to test this well. OIG personnel obtained and reviewed the test results and discussed with the Department's Office of Environmental Policy and Compliance and BLM the need to report the results to the National Response Center (NRC) and the landowner. As a result, BLM advised the landowner to refrain from drinking the water because levels of arsenic and lead exceeded both U.S. Environmental Protection Agency (EPA) and Arizona Department of Environmental Quality drinking water standards. BLM did not advise the homeowner not to use the water for other purposes such as showering, cooking, and washing clothes. BLM plans to conduct further testing on this well.

Non Reporting on Hazardous Substances

As of February 2005, BLM had not reported the presence of hazardous waste to the NRC or made diligent efforts to notify the public.

Under section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), any person in charge of a facility must notify the NRC as soon as that person has knowledge of a release of a hazardous substance in excess of a reportable quantity. BLM should have known that a reportable release probably occurred when it received the results of Pima County's assessments disclosing that levels of lead and arsenic exceed the relevant risk management criteria. At that time, BLM should have reported the release to the NRC.

On May 6, 2003, BLM forwarded the results of its preliminary assessment categorizing this location as "high-risk" to the Department of the Interior Office of Environmental Policy and Compliance. The assessment noted that, "levels of toxic metals exceed the BLM Risk Management Criteria by up to 20 times for arsenic and 17 times for lead." BLM also cautioned that visitors to Saginaw Hill are at risk of exposure to lead and arsenic by coming into direct contact with soil or from airborne particulates windblown into nearby yards. Although BLM concluded that Saginaw Hill contains a release of hazardous substances from mine waste, BLM still did not notify the NRC.

BLM has not been proactive in notifying the public and the community about the dangers at this site. Officials of the Tucson Unified School District informed us that BLM did not tell them about the contamination in the area adjacent to the Harriet Johnson Elementary School. There are no signs warning of hazardous substances posted on the property. BLM officials told us that they had posted signs, but during our visit in February 2005, we did not see signs on the property.

In November 2004, BLM sent a letter to 40 residents and officials in the community to inform them that BLM was planning to conduct site investigations at the Saginaw Hill Property. The letter did not specifically disclose the presence of contaminants such as arsenic or lead.

BLM has prepared a Community Involvement Plan to inform the local community of the progress of investigations at the site and to give the community the opportunity to provide

input into the selection of removal action alternatives for the site. As of February 2005, this document had not been released to the public.



These individuals were collecting rocks within the contaminated area.



This individual was inside the contaminated area collecting rocks.

Physical Hazards

Pima County's 1988 assessment identified more than 65 safety hazards including many open mine shafts. The report recommended that all the open mining hazards be physically identified and covered with suitable materials. This site is frequently used for recreation by the public, and open mine shafts pose a significant risk to public safety. During our visit we located 18 dangerous mine shafts and determined that BLM had not mitigated many of the previously identified safety hazards.



This open shaft was typical in that it was not fenced or marked. We estimated that it is approximately 100 feet deep.



This person is next to the open shaft pictured above. The road is visible in the background.



This open shaft was typical in that it was not fenced or marked. We estimated that it is approximately 60 feet deep.



This person is walking on a trail approximately 10 feet away from the open shaft pictured above.

Although there has been no active mining on Saginaw Hill since the middle of the 1900s, there are still active mining claims on the Saginaw Hill Property. BLM is required to work through the claimants to address physical safety issues. BLM must notify the mine claimants of the safety hazards, ask them to remedy the hazards, and if no action is taken, BLM can then mitigate the dangers posed by the mine shafts.

BLM officials told us that they have filled in five mine shafts since 1997. In 1997 and 1999, BLM notified a mine claimant of the need to take action and close as many as nine open mine shafts or BLM would close the shafts. The claimant never responded to BLM, and we could not determine if any of these nine shafts had been closed. As stated above, in February 2005, we observed 18 mine shafts that represented safety hazards.

BLM could also work with the Arizona State Mine Inspector to coordinate with active mine claimants to address physical hazards. BLM officials told us that they met with the Arizona State Mine Inspector in 1999 but have not followed up with that office.

CONCLUSION

There is no way for BLM or the Department to determine how many people have been exposed to the hazardous substances at this site or what levels of exposure may have been experienced. The conditions at the site continue to expose the public to physical and environmental hazards. We believe it is imperative that BLM take immediate action to eliminate the contamination and mitigate the physical hazards to protect the public and the environment.

RECOMMENDATIONS

We recommend that the Director, Bureau of Land Management, immediately:

1. Notify the NRC of the contamination at the Saginaw Hill Property.
2. Notify the public of the conditions at the site.
3. Take steps to prevent public access to contaminated areas on the Saginaw Hill Property.
4. Conduct an inspection of the Saginaw Hill Property to identify all physical hazards presenting a safety risk to the public and take action to mitigate the hazards.

BLM should assess its lands to identify hazardous sites in close proximity to populated areas similar to Saginaw Hill. BLM should inspect these sites and take appropriate action to mitigate any safety hazards.

We discussed the conditions at Saginaw Hill with BLM officials on February 8, 2005, and provided additional information during an exit conference on February 17, 2005. BLM

officials told us that they planned to physically inspect the Saginaw Hill site during the week of February 21, 2005, and would determine the proper course of action based on that inspection.

We did not conduct a detailed review of the conditions at the Saginaw Hill Property. As a result, this review was not conducted in accordance with the Government Auditing Standards issued by the Comptroller General of the United States.

Please provide us with your written comments to this report and a summary of actions taken or planned by April 1, 2005. Please address your response to:

Mr. Roger La Rouché
Assistant Inspector General for Audits
U.S. Department of the Interior
Office of Inspector General
1849 C Street, NW, MS 5341
Washington, D.C. 20240

If you have any comments or questions regarding this report, please contact Ms. Anne Richards, Central Region Audit Manager, at (303) 236-9243.

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