

## How the Río Colorado Reclamation Committee Came To Be

The Molycorp molybdenum mine in Questa is an official Superfund site, which means that the US Environmental Protection Agency has identified the mine site as one of the most potentially polluted sites in the country. In an agreement between Molycorp and the EPA, Molycorp signed what is called an AOC (Administrative Order on Consent) wherein the mine agreed to put up a two million dollar bond to guarantee payment for the RI/FS (Remedial Investigation/Feasibility Study) and for this the EPA agreed that Molycorp would not be placed on the National Priorities List (a list of the MOST potentially contaminated Superfund sites in the nation). The RI/FS is now under way to determine the amount of pollution, who is affected and how, and the possibilities for cleaning up and making the area safe, for humans and the environment.

The Rio Colorado Reclamation Committee was formed by a group of local people concerned about the ramifications of the EPA Superfund investigation. In an EPA informational meeting in June 2000, we learned about the EPA Technical Assistance Grant program (TAG), which would enable the group to hire scientists and engineers who could help the public understand and participate in the process. RCRC filed a letter of intent to apply for this grant, along with two other area groups, but we were the only group to doggedly pursue the long, demanding grant process. We were finally awarded the TAG grant in September 2002 after obtaining our simple non-profit status from the state in August of 2002. Throughout this period we publicized our process on fliers posted in the community and at several meetings held in conjunction with other community groups.

One of the requirements of applying for the TAG grant was organizing a Board of Directors, which was assembled by asking concerned people we saw repeatedly at meetings to serve. Board members are not paid in any way for their service. As provided in the grant, RCRC members must earn in-kind work hours valued at \$12,500 for each \$50,000 grant. Some of the ways board members earn in-kind hours are attending board and community meetings, creating and maintaining our website, making and distributing fliers, and taking interested agency representatives on field trips showing them areas of concern in the community.

Among RCRC's accomplishments so far are:

- 1) We hired a grant administrator, Patrick Nicholson.
- 2) We also hired two technical advisors: Steve Blodgett and Ken Klco (who both have experience working on the cleanup of mining Superfund sites). Our TAs are able to attend technical meetings at which the public is not allowed, to

review each proposed EPA plan, to translate it into language understandable to the non-technical person, offer suggestions and alternative ideas to the plan, and to write reports incorporating the members' suggestions to be considered in final decisions made by EPA. This helps us participate much earlier in the process than if we had to wait to appeal EPA's decisions, plus the TAs keep us informed on the very latest ideas and discussions coming out of the technical meetings, which include scientists from the EPA, the state regulatory agencies, and Molycorp.

- 3) We held our first community meeting on February 26, 2003.
- 4) Board members have attended a training workshop hosted by the EPA on grant administration and reporting, and a national TAG conference in Albuquerque for newer groups to learn from more established ones. Members have also represented RCRC at Technical Review Committee meetings (which are held in Questa, are open to the public and which include representatives from Molycorp, New Mexico Environment Department, NM Mining and Minerals Division, EPA, and local community and environmental groups), EPA meetings, ATSDR meetings and other public meetings.
- 5) RCRC played a major role in having the first public health assessment by the Agency for Toxic Substance and Disease Registry (ATSDR) withdrawn and a new assessment begun, and also having our first ATSDR site leader, who was responsible for the first report, replaced. (See ATSDR article for details.)
- 6) RCRC has commissioned reports on behalf of its members on draft plans submitted by the EPA and comments to the EPA. These include our comments on the Public Health Assessment written by ATSDR, our response to the RI/FS work plan, comments on the Goat Hill North/Capulin waste rock dump stability situation, and our recommendations for additional environmental sampling in the area of Alta Vista Elementary School.
- 7) RCRC informed NMED, EPA and ATSDR that we believed that the village water lines were bedded with tailings (we had photos and broken pipe as evidence- and Questa residents had reported this concern to the Village Administration previously). As a result of our prodding, EPA and NMED took split samples of 5 different residential taps connected to the Village water system. This predated the recent "discovery" by village officials that the lines were indeed embedded in tailings. The results of the testing will be received sooner rather than later due to our persistence.

We have learned from other TAG groups across the country that the Superfund RI/FS process, the ROD (Record Of Decision declared by the EPA at the conclusion of the investigation) and ultimate clean-up can take more than a decade. The RCRC

provides a voice during this arduous process for any interested individuals who may have ever been directly affected by the Molycorp mine's activities either through proximity, business dealings or employment. This includes anyone residing, owning property or a home or business in the Questa area (including Cerro, El Rito and Latir, Costilla, Red River, Lama, San Cristobal, Taos and points in between) and anyone who currently works or has ever worked at the mine, with the exception of officials from the mine or the Village Administration, which may join or attend as citizens only, not in any representative fashion on official business. Many of the more successful TAG groups have been in existence for a dozen years or more, and work best when they count membership from a cross-section of people in the affected area who work hand in hand with local government, businesses, economic development agencies and health agencies, but the most important voices are those of the concerned citizens in the affected area. As you might expect in dealing with government agencies, and based on our experience so far, the

squeakiest wheels get the grease. Beverly Negri, our EPA TAG Project Officer, stated at the last EPA community meeting in Questa in August that RCRC is the most active TAG group she has ever worked with. We are committed to participate in the process to try to ensure the most beneficial solutions for the health and economic welfare of the people of Questa and other affected communities, for this and future generations. We encourage you to play a part in the unfolding of the future of Questa by participating in this process. Please join us!

All the reports we have commissioned are displayed on our website, which is: [www.rcrc.nm.org](http://www.rcrc.nm.org). If you are interested in obtaining copies of these reports there is also a repository in the Questa Village Office, or you may contact RCRC at:

Rio Colorado Reclamation Committee  
PO Box 637  
Questa, NM 87556  
or by email at [info@rcrc.nm.org](mailto:info@rcrc.nm.org)

## **What The Heck Is An RI/FS?**

RI/FS is the acronym for Remedial Investigation/Feasibility Study, a comprehensive process of describing all the physical and chemical aspects of the site, identifying all chemicals of concern found, in this case, at the Molycorp mine and mill tailings facility, identifying all physical conditions that may impact worker and/or public health, and development of a series of alternative actions that would remove, mitigate, or improve the conditions described to result in safer and cleaner environment at the site and those land areas near the site in question. In the case of the Molycorp mine and mill tailings facility, the first step in developing a RI/FS is to organize and review all site studies regarding rock, soil, air, and water analysis from the actual mine and tailings areas and neighboring lands including the Red River, outfalls from the tailings dams, monitoring wells on private property bordering the sites, air quality monitoring stations, ponds, lakes, irrigation ditches, and other locations identified by the EPA, State of New Mexico environmental specialists, Molycorp personnel, and the community at large.

The development of an accurate picture of the site and its particular geological, geochemical, and geophysical parameters evolves from a compendium of studies performed by a number of different investigators including Molycorp and several private environmental consulting firms over the past decade. These investigations include on-site field studies involving drill cuttings, pit excavations, and water sampling programs to define the type and amounts of metals, organic, and inorganic pollutants that may be found at the site and that may be moving into neighboring lands and waterways.

One important study currently underway by the United States Geological Survey, under contract by Molycorp, is to determine the "baseline" geochemistry of the Red River and its numerous drainages predating the initiation of mining activity in the Red River district. The outcome of this study will have major impact on the level of clean up standards to be met by Molycorp at the cessation of mining activities.

The RI/FS not only describes the chemistry of concern regarding public health and worker exposures, but also defines the pathway(s) of exposure to various pollution sources to man and animal. RI/FS contains detailed information on the methods of sampling, locations, numbers of samples, and types of samples, laboratory techniques utilized for analysis and interpretation, and the protocol to insure quality and consistency in sampling and analytical result, termed Quality Control-Quality Assurance (QC/QA).

Finally, the RI/FS process should result in a series of alternative actions to be negotiated and decided upon between Molycorp, state and federal agencies, and the public, to be taken to address the conditions as described in the study resulting in improved levels of safety and health for site workers, neighboring land owners, and the downstream communities affected by the mining and milling operations of Molycorp. The RI/FS is the "meat and potatoes" portion of the Superfund process addressing the development of accurate models to understand the type and amount of pollution and the necessary action(s) to be taken by the mine operator.

It is in the best interest of the public to be actively engaged in the development of the RI/FS, from identifying sampling locations to understanding the site conditions and modeling to negotiating the best possible action(s) to be taken. The RI/FS is a long and arduous process and will take a number of years and many public meetings to reach fruition. The Rio Colorado Reclamation Committee (or TAG group) has hired technical advisors (Ken Klco, the author of this piece and Steve Blodgett so far) to attend meetings with EPA representatives, mine representatives, and their technical folk to get information to help the community form our own opinions on the process (which we discuss in our own community meetings) and to take our agreed upon comments and suggestions back to the other involved parties. This is the only real way that the affected communities have a say so in the RI/FS process. RCRC is dedicated to being actively engaged in the RI/FS process and we urge our friends, neighbors and fellow citizens to get informed, involved and speak up in the evolution of this process, as it will

## **Our Voices Can Make A Difference - RCRC Plays A Major Role In Withdrawal of Flawed ATSDR Report**

What is the ATSDR and why should you care? The ATSDR is the Federal Agency for Toxic Substances and Disease Registry. You should care because Congress mandated that ATSDR do a Public Health Assessment (or PHA) at each Superfund site in the country. This PHA, in our case, is to determine if there are any past, present or future health hazards caused in any way by Molycorp at the Questa Mine Site, in the area including the mine, the Village of Questa, and the surrounding vicinity.

ATSDR issued a PHA on September 24, 2002, with a public comment period deadline of November 13, 2003. As we later learned, in drafting the PHA, an ATSDR Site Team, (which includes everything from environmental engineers and toxicologists to environmental education specialists) is supposed to visit the impacted area, hold a community meeting to explain what a PHA is and the process by which it is done, provide confidential "one-on-one" time for anyone who wants to provide their health information, and provide a toll-free number for anyone who wants to call them in confidence. The team also examines various reports and data relevant to the existence of possible contaminants and pathways through which the contaminants might enter the body. After drafting the PHA, aside from providing it to various governmental agencies, copies are supposed to be provided to the RCRC (as part of its Technical Assistance Grant from the EPA) as well as to any area residents on a mailing list compiled by the EPA (who signed up at community meetings).

The problem is that most of the above was never done. Members of the RCRC learned in late February 2003, more than 3 months after the public comment deadline, that this PHA was drafted and released after only one ATSDR team member made a brief, unannounced visit to the area, with no community meeting, no opportunity for the public to give their health information or related concerns. This PHA was based on reports and data provided mostly by the EPA, information usually drafted by Molycorp or one of its contractors. And once done, no one in the "impacted area" received a copy of this assessment.

Members of the RCRC began investigating. We called and e-mailed ATSDR for several weeks before receiving any response. When ATSDR's site team lead for Questa finally contacted a member of the RCRC on March 25, she was stunned that we had not received copies of this report. After investigating, the site team lead again called, stating that to her embarrassment a page of the mailing list had been lost. Interestingly, this was the page which contained the names of RCRC members and Questa area residents. She agreed to reissue the report, setting up a new comment period, but we did not feel this was good enough. How, we asked, could the ATSDR issue a Public Health Assessment, based not on the "usual process" outlined above, but on the minimal investigation they had done, and conclude that they found no connection between any actions by the Mine and any present

or future potential health problems in Questa? The report was seriously flawed and could not stand up to even the most cursory scrutiny. ATSDR agreed that the initial PHA had problems but offered only to open the report for further editing. The RCRC thought that the report should be trashed and a new public health investigation begun.

After numerous phone calls and a blizzard of email messages from concerned citizens, ATSDR agreed to come to Questa in late June to investigate possible health problems, something they were supposed to do in the first place but never did.

They set up a community meeting to apprise everyone of their purpose and to seek more input from affected residents. The RCRC arranged a meeting with ATSDR and community-based groups the night before. At this meeting were members from the RCRC, representatives from the Questa Clinic, the Taos County Public Health Service, the School Board, the Red River Watershed Group, the Village Council, and other groups. At this meeting, ATSDR announced that they were going to withdraw their initial PHA and start all over and acknowledged that the entire situation had been handled badly. The PHA was withdrawn, and June 24 was the date for a fresh start. With that battle won, we could all get down to the work that meant the most: having a Team who would be working on the Questa Site PHA hear our concerns, our experiences, and learn something about our area. And boy did they ever learn! Between the meeting that evening and a tour of Questa that we arranged for the next afternoon, ATSDR got a short course about life in Northern New Mexico. They learned about the acequia system and its importance in local everyday life, something not even considered in the first PHA. And we showed them a site, complete with pictures and cracked pipe, where the Village water system had been backfilled with tailings—a concern which RCRC members and numerous other Questeños had been expressing to NMED and EPA for quite some time. On this tour were the ATSDR team, NMED, EPA and members of the RCRC. On the whole, this group listened, asked many questions, and seemed truly surprised by what they were seeing and hearing. Molycorp also gave ATSDR a tour of the mine during their visit.

Thanks to the efforts of RCRC members and many concerned citizens, ATSDR's visit to Questa proved to be very productive. Our voices have been heard and we have made a difference.

In late August, ATSDR came to Questa again, this time with a new site lead, one who seems ready and willing to work with the community. To date, we are pleased with the progress that has been made. However, our work is not done. Residents of communities near the mine are strongly urged to participate in this study. This is an ongoing study and people in these communities and anyone, anywhere, who worked for the mine at any time who think they may be suffering from any health problems are urged to contact ATSDR for a confidential interview. ATSDR can be reached toll-free at 1-888-422-8737 or by email at [ATSDR@cdc.gov](mailto:ATSDR@cdc.gov).

Please help build on our successes. Our voices can make a difference.

## Contact Information for Molycorp Mine Issues

### U.S. EPA

Mark Purcell  
EPA, Region 6 (Dallas)  
214-665-6707

### ATSDR

Debra Joseph  
(888) 422-8737

### New Mexico Environment Dept

Mike Reed, Molycorp Permit  
Lead  
Ground Water Quality Bureau  
505-827-2340

Al Pasteris, Surface Water Bureau  
505-827-2575

Jerry Schoeppner, Chief, Ground  
Water Quality Bureau  
505-827-2919

Sandra Ely, Chief, Air Quality  
505-827-1494

Ron Curry, Secretary, NMED  
505-827-2855

### Mining and Minerals Division

Holland Shepherd, Program  
Manager  
505-476-3437

Karen Garcia, Bureau Chief,  
MMD  
505-476-3435

Bill Brancard, Director, MMD  
505-476-3405

### Elected Officials

Congressman Tom Udall  
505-984-8950 (Santa Fe office)

Senator Jeff Bingaman  
505-988-6647 (Santa Fe office)

Senator Pete Domenici, Sr.  
505-988-6511 (Santa Fe office)

State Senator Carlos Cisneros  
505-586-0873 (home)

Mayor Charlie Gonzalez  
505-586-0694 (office)  
505-586-1589 (home)

Governor Bill Richardson  
(Contact: Hillary Tompkins,  
Deputy Counsel)  
505-476-2222

### Other Contacts

Tom Gorman, Office Of  
Emergency Management  
505-476-9600

Ben Neary, Reporter  
*Santa Fe New Mexican*  
505-986-3035

William Maxwell, Reporter  
*Taos News*  
505-758-2241

**The Río Colorado Reclamation Committee will hold its next Questa Community Meeting  
on Wednesday, September 24, 2003 in the La Cienega Community Center at 7:00pm  
*Please Mark Your Calendars and Plan to Attend this Important Meeting.***



P.O. Box 637 • Questa, NM 87556

A community based organization dedicated  
to the reclamation of the Molycorp mine  
and the restoration of the Red River in  
Northern New Mexico.

Stamp