

108TH CONGRESS
1ST SESSION

H. R. 2116

To direct the Administrator of the Environmental Protection Agency to provide relocation and other assistance for residents at the Tar Creek Superfund site.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2003

Mr. CARSON of Oklahoma introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Administrator of the Environmental Protection Agency to provide relocation and other assistance for residents at the Tar Creek Superfund site.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tar Creek Restoration
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Tar Creek Superfund Site (the “Site”)
2 is a former lead and zinc mining area located in the
3 northeastern portion of Ottawa County, Oklahoma.

4 (2) The Site includes the Oklahoma portion of
5 the Tri-State Mining District of Oklahoma, Kansas,
6 and Missouri.

7 (3) The Site is located in one of the most flood-
8 prone parts of Oklahoma.

9 (4) Mining began at the Site in the early 1900s
10 and continued until the 1970s.

11 (5) Due to water in the ore-producing Boone
12 Aquifer, mining companies were forced to pump
13 large volumes of water from the extensive under-
14 ground mine workings when the mines were in oper-
15 ation.

16 (6) Much of the mining at the Site was on In-
17 dian land controlled by the Bureau of Indian Af-
18 fairs.

19 (7) During World War I, mining at the Site ac-
20 counted for more than 45 percent of the Nation’s
21 wartime consumption of lead and zinc.

22 (8) Mining at the Site created millions of tons
23 of waste tailings, or chat.

1 (9) In 1923, the Department of the Interior
2 recommended that chat be stockpiled aboveground at
3 the Site so as to enable later reprocessing.

4 (10) During World War II, the Department of
5 the Interior reiterated its recommendation that chat
6 be stockpiled aboveground at the Site.

7 (11) In 1960, Congress enacted the Small Pro-
8 ducers Lead and Zinc Mining Stabilization Act,
9 which attempted to encourage lead and zinc produc-
10 tion at the Site.

11 (12) As mining abated in the early 1970s, the
12 vast underground mine workings at the Site began
13 to refill with water from the Boone Aquifer.

14 (13) As water filled the mines, the native sul-
15 fide minerals, which had been oxidized by exposure
16 to air, dissolved and created acid mine water.

17 (14) In 1979, acid mine water began dis-
18 charging at the surface from several locations at the
19 Site.

20 (15) In 1983, the Site was placed on the Na-
21 tional Priorities List.

22 (16) In 1984, the Environmental Protection
23 Agency began work to remediate the acid mine water
24 at the Site.

1 (17) In 1994, after spending millions of dollars
2 at the Site, the Environmental Protection Agency
3 concluded that it was essentially impossible to reme-
4 diate the acid mine water.

5 (18) There are at least 1,300 mine shafts at
6 the Site, many of which remain open.

7 (19) There are at least 100,000 boreholes at
8 the Site.

9 (20) The open mine shafts at the Site are a
10 source of recharge to the underground mine work-
11 ings.

12 (21) Millions of tons of chat scar the surface
13 area of the Site.

14 (22) The stockpiled chat at the Site is laced
15 with heavy metals, including lead, that are toxic to
16 humans.

17 (23) The stockpiled chat contributes to the
18 flood problems at the Site and surrounding commu-
19 nities.

20 (24) The stockpiled chat stores water that re-
21 charges the underground mine workings.

22 (25) The stockpiled chat at the Site has been
23 used to construct roads at the Site, as well as back-
24 fill for yards, in driveways, in foundations of homes,
25 and other high-access areas.

1 (26) The use of chat in construction has left
2 the residential areas of the Site contaminated with
3 heavy metals, including lead.

4 (27) In 1994, the Environmental Protection
5 Agency began work to remediate residential yards
6 that contained unsafe lead concentration levels.

7 (28) Scientific studies prove that a large num-
8 ber of children at the Site have elevated blood lead
9 levels.

10 (29) Elevated blood lead levels in children have
11 been proven to cause learning disabilities and other
12 severe health problems.

13 (30) Scientific studies suggest that dust from
14 the stockpiled chat presents a danger to human
15 health.

16 (31) Because mining left underground cavities
17 at the Site, there have been repeated cave-ins, or
18 subsidence, at the Site, with many greater than 100
19 feet in diameter. Subsidence have occurred in popu-
20 lated areas and near schools.

21 (32) No work has been undertaken by any
22 agency of the United States Government to reme-
23 diate the stockpiled chat or subsidence dangers at
24 the Site.

1 (33) There have been no comprehensive epide-
2 miological studies of the Site.

3 (34) Because of its many unique environmental
4 problems, the Site can never be made safe for
5 human habitation.

6 **SEC. 3. ASSISTANCE.**

7 (a) IN GENERAL.—The Administrator of the Envi-
8 ronmental Protection Agency shall provide assistance
9 under the Uniform Relocation Assistance and Real Prop-
10 erty Acquisition Policies Act of 1970 (42 U.S.C. 4621 et
11 seq.) to residents within the 17 square mile area identified
12 in Governor Keating’s Tar Creek Superfund Task Force
13 Final Report of October 2000, including the communities
14 of Picher and Cardin on the Tar Creek Superfund site
15 in Oklahoma. The Environmental Protection Agency shall
16 be considered the displacing agency for purposes of the
17 application of that Act.

18 (b) CONTINUING RESPONSIBILITY.—Nothing in this
19 Act shall be construed to relieve the Administrator of the
20 Environmental Protection Agency or any other Federal
21 agency of any responsibility under law with respect to the
22 cleanup of the Tar Creek Superfund site.

23 (c) COMPREHENSIVE RESOLUTION.—The Adminis-
24 trator of the Environmental Protection Agency shall work
25 with other appropriate Federal and State officials to seek

- 1 a comprehensive resolution to the environmental and
- 2 health problems related to the Tar Creek Superfund site.

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