



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 5, 2000

OFFICE OF
ENVIRONMENTAL INFORMATION

Mary Barraco
Manager, Compliance and Regulatory Affairs
Kinross Gold U.S.A., Inc.
185 South State Street
Suite 820
Salt Lake City, Utah 84111

Dear Ms. Barraco:

This letter responds to your May 16, 2000 letter requesting guidance regarding the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). According to your letter Kinross Gold U.S.A., Inc. (hereafter "Kinross") owns and operates seven mines in the United States. You state in your letter that three of these mines (Haile, Sleeper, and Wind Mountain) have been in "closure, or care and maintenance," for more than two years and as such, did not file a Toxics Release Inventory Report for the 1998 calendar year. Closure, or care and maintenance activities, according to your letter, include environmental monitoring, regrading/recontouring, seeding, facility decommissioning or upkeep, and water treatment/disposal activities. Actually, these representations regarding the Haile, Sleeper, and Wind Mountain mines were the subject of a letter you submitted to EPA in April 1999. EPA's response to that letter, dated April 27, 1999, is attached and provides the following guidance based upon your representations:

If the "environmental monitoring, general facility upkeep, and water treatment/disposal activities," taking place at these facilities do not include any of the mining activities described in Major Group 10 of the SIC Manual, then these facilities would not fall under SIC Code 10 - Metal Mining, and these facilities would not have to consider the requirements of EPCRA Section 313 based on that particular SIC Major Group.

At the present time, however, you are asking for guidance regarding two other mines owned and operated by Kinross. Specifically, you provide that the Candelaria Mine in Mineral County, Nevada and the DeLamar Mine in Owyhee County, Idaho were closed for reclamation at the end of 1998 into early 1999. According to your letter, no economic extraction or beneficiation of minerals occurred at these properties and these facilities were not primarily engaged in the activities listed in Major Group 10 of the SIC Manual. You note, however, that during cleanup and closure activities, both properties incidentally recovered minor amounts of

metal over a period of a month or less in 1999. You state that DeLamar Mine recovered 17 pounds of gold and 198 pounds of silver and Candelaria Mine recovered 15 pounds of gold and 6,056 pounds of silver. You further state that these amounts represent a fraction of these mines' annual production prior to closure.

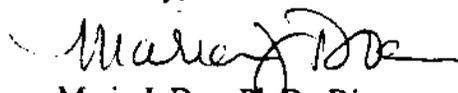
If some mining activities, as described in Major Group 10 of the SIC Manual, are taking place at the DeLamar and Candelaria Mines, you should consider 40 CFR Section 372.22(b)(3) ("Covered facilities for toxic chemical release reporting") and determine if these two facilities are multi-establishment facilities for which the mining activities taking place at these facilities satisfy the requirements of Section 372.22(b)(3), which reads:

The facility is a multi-establishment complex in which one of the following is true:

- (i) The sum of the value of services provided and/or products shipped and/or produced from those establishments that have primary SIC major group or industry codes in the above list (Section 372.22(b)) is greater than 50 percent of the total value of all services provided and/or products shipped from and/or produced by all establishments at the facility.
- (ii) One establishment having a primary SIC major group or industry code in the above list contributes more in terms of value of services provided and/or products shipped from and/or produced at the facility than any other establishments within the facility.

I hope this guidance is helpful to you in understanding the reporting requirements of section 313 of EPCRA. If you have any other questions, or desire further information, please call Larry Reisman, of my staff, at 202.260.2301.

Sincerely,



Maria J. Doa, Ph.D., Director

Toxics Release Inventory Program Division