Indian Affairs - Office of Public Affairs

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The Bureau of Indian Affairs announces that it has lifted a moratorium that has been in effect since 1997, on the sale of chat from the Tar Creek Superfund site located in northeastern Oklahoma. The lifting of the moratorium will lead the way to assist with the clean up of the area and provide a financial gain for the Indian landowners. Chat has commercial value, even though it is mine waste. It resembles a fine gravel and can be used for a variety of purposes, including fill material, road bedding, and aggregate in concrete and asphalt. "We welcome the opportunity to clean-up the Tar Creek Superfund site and at the same time provide an economic benefit for individual tribal members," said Acting Assistant Secretary-Indian Affairs Jim McDivitt, "It seems to be a good situation for all." The price for chat varies with market demand, but the large amount of chat estimated to be on Indian lands could potentially result in a significant financial windfall for the owners. To date, the BIA has identified approximately 110 Indian owners of this chat, primarily from the Quapaw Tribe.

The Tar Creek area is part of the mineral rich Tri-State Mining District, at one time containing some of the richest deposits of lead and zinc ore in the United States. At the present, the richest deposits are gone and large scale mining has ceased, leaving large piles of chat. Widespread lead contamination of the area compelled the U.S. EPA to declare Tar Creek a Superfund site, and to place it on the National Priorities List (NPL).

Because of this fact, a moratorium was imposed on the sale of chat found on Indian lands on October 6, 1997 by the Deputy Commissioner-Indian Affairs. Since then, two positive steps helped to make the decision to lift the moratorium. The U.S. EPA and the Oklahoma Department of Environmental Quality (DEQ) issued a fact sheet, dated December 9, 1999, which listed chat use guidelines, including acceptable use of Mining Waste. The DEQ then issued Mine Tailings Usage Guidelines for Residential Properties, dated May 11, 2000. These guidelines serve as the basis to reassure the BIA that the sale of chat from the site has the appropriate regulatory oversight so that once sold the chat is used in a safe manner. The BIA will require anyone purchasing the Indian-owned chat to abide by the guidelines established by the US EPA and Department of Environmental Quality (DEQ).

The lifting of the moratorium was signed by Jim McDivitt Acting Assistant-Secretary Indian Affairs on August 20, 2001.