

January 2011 Update

**Eagle Mine Superfund Site**

Minturn, Colorado  
(Five-Year Review date: 9/30/2008)

***H*ighlights since the 2008 Five-Year Review**

- **The State of Colorado and the Environmental Protection Agency (EPA) are working to develop an agreement to address future site activities.**

**Issues & Recommendations Update**

<b>Issues</b>	<b>Recommendations/ Follow-up Actions</b>	<b>Follow-up Actions (Status/Due Date)</b>	<b>Status of Follow-up Actions Jan. 2011</b>	<b>Responsible Party</b>
1. The two Consent Decrees (CDs) currently in place effectively addressed the completed remedial actions, but do not adequately address current/future operation, inspection, maintenance and monitoring activities nor do they establish Points of Compliance (POCs) and time frame for compliance with Applicable or Relevant and Appropriate Requirements (ARAR) established.	The State and EPA will develop a CD that updates terms, established performance standards, POC(s), ARAR compliance schedule, current/future activities, reporting requirements, schedules and any other items. These requirements will be incorporated into a Compliance Monitoring Plan (CMP).	12/31/11	Ongoing  CBS Consent Decree negotiations underway.	EPA/CDPHE/ CBS

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2. Surface water quality in the Eagle River is not protective of brown trout.	Revision of water quality standards through WQCC occurred in June 2008. New standards adopted by the WQCC become performance standards for the site surface water and will be incorporated into the CD discussed in Issue No. 1. The new water quality standards will be identified as site ARARs in an Explanation of Significant Differences (ESD) or Record of Decision (ROD) Amendment. Additional response actions would be required to comply with the new performance standards and would be implemented as discussed in the Metals Loading and Water Quality Standards Attainability Analysis (CDPHE, 2008), at a minimum.	New water quality standards – June 2008. ESD or ROD Amendment – 9/30/09 Implementation of additional response actions – to be determined and defined in the CD discussed in Issue No. 1.	Water guidance standards in place June 2008 Feasibility Study under review for ROD Amendment estimated completion 12/31/2011	CDPHE and EPA
3. ICs to regulate development under existing or revised land zoning in OU1 were not required under the ROD. Such ICs are necessary to ensure the future land use is consistent with the remedy. These ICs were required under the OU2 ROD but were not formally implemented. Development of portions of OU1 and OU2 as a ski resort with residential development is proposed for implementation within the next several years. Such development will comply with the ICs.	Prepare an ESD or ROD Amendment identifying the need for ICs and the form the ICs will take. This may include environmental covenants (Colorado Environmental Covenant Law, C.R.S. §§ 25-15-317 to 25-15-327) for areas of the site where the land owner is willing to enter into such agreements, County ordinances or other mechanism to maximize the likelihood that appropriate government entities control and/or oversee changes in land use.	ESD or ROD Amendment – 9/30/09 Environmental Covenants – to be determined based on land redevelopment plans. Other ICs – 12/31/11	Ongoing  Awaiting further reuse or redevelopment plans.	EPA/CDPHE/ Minturn or Eagle County

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4. Institutional controls prohibiting new wells required under the OU1 ROD have not been implemented.	Formalize and enforce the ICs through an Environmental Covenant.	12/31/11	Ongoing	Minturn and Eagle County
5. Physical limits of OU1 and OU2 have not been defined. Therefore, the area over which OU-specific ICs apply is unclear.	Define OU boundaries through resolution of Issue Nos. 3 and 4.	12/31/11		EPA/CDPHE
6. Apparent excessive settlement on CTP resulting in ponded water observed during the site inspection.	Repair cover to reestablish surface drainage.	7/31/09	Complete	CBS
7. Geomembrane liner in temporary cell on CTP in poor condition.	Repair geomembrane.	7/31/09	Complete	CBS
8. The Mine at Adit #8 has partially collapsed presenting a safety hazard for personnel entering the mine.	The State and EPA will work with CBS to address the rehabilitation of the mine tunnel to ensure continued access to the mine workings and to allow periodic confirmatory measurements of the mine pool elevation.	12/31/11	Ongoing	CDPHE, CBS and EPA
9. Proposed redevelopment could potentially impact human health and the environment during and after implementation.	The current property owner (Ginn Entities) has requested Bona Fide Prospective Purchaser Status and therefore will be required to perform additional actions at the site to place the site in a condition that is consistent with the intended land use. These actions will be documented under future decision documents.	12/31/11	Ongoing	CDPHE/EPA/ Battle Mt. Development