



**Board of County Commissioners**

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[www.eaglecounty.us](http://www.eaglecounty.us)

March 18, 2019

Jamie Miller  
Remedial Project Manager  
Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

Dear Mrs. Miller,

Please accept this letter on behalf of the Eagle County Board of Commissioners (BOCC) regarding ongoing negotiations over a new Consent Decree (CD) at the Eagle Mine Superfund Site. We appreciate the opportunity to add our support to comments you recently received from Eagle River Watershed Council (ERWC), Upper Eagle Regional Water Authority (UERWA) and Eagle River Water and Sanitation District (ERWSD) about those negotiations.

The letter submitted by ERWC, UERWA, and ERWSD on March 4, 2019 articulates important community perspectives and concerns about the cleanup efforts at the Eagle Mine, including how that cleanup has progressed over the previous 25 years and the ways that future remedies can improve conditions on the site to reduce risks to human health and the environment. ERWC, UERWA, and ERWSD identified four ongoing issues of concern among local stakeholders and residents of Eagle County:

1. Timeliness of cleanup measures implemented to meet remedial goals;
2. Selection of robust operation, maintenance, and safety procedures for the Remedy;
3. Sufficient monitoring to verify attainment of remedial goals or identify inadequacies in the selected Remedy;
4. Emergency response notification procedures and enhanced agency enforcement authority.

The BOCC concurs that these issues should be prioritized in the negotiations for a new CD. Of particular importance to our tax payers is how the on-going cost of operation and maintenance (O&M) of USGS stream gage (Site ID 09064600, Eagle River near Minturn) will be financed. As you are aware, a 1989 agreement made between Eagle County and the party responsible for cleanup stipulated that O&M cost be split between the two parties. The escalating cost of USGS stream gage O&M continues to place an unfair burden on our taxpayers. We believe the entire cost of O&M should be borne by the responsible party and clearly articulated in the final CD, as was the intention of the previous Record of Decision.



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We are also fully supportive of the request made by ERWC, UERWA, and ERWSD for Colorado Department of Public Health and Environment and U.S. Environmental Protection Agency to provide some feedback regarding how the issues raised in this letter and in the one submitted on March 4th are considered, incorporated, or disregarded in the negotiation of the new CD. This type of communication is vital for maintaining positive, trusting, working relationships between local entities and state and federal agencies tasked with directing cleanup at the Eagle Mine.

Thank you very much for your willingness to review these issues. We look forward to your response and to working closely with you and other members of your team on Eagle Mine issues in the future. In the meantime, if you have any additional questions for us, please do not hesitate to reach out to the BOCC in writing or over the phone.

Sincerely,

Jeanne McQueeney

Chair

Kathy Chandler-Henry

Commissioner

Matt Scherr

Commissioner