

Uncompahgre Watershed Partnership Mining Committee Meeting Minutes  
January 31, 2011 – 2:30-4:30pm – Ridgway Library  
Recap: Idarado Remediation Process

Nine Present: **Don Kellogg**, Trust for Land Restoration (TLR); **Jeff Litteral**, CO Division of Reclamation, Mining, and Safety (DRMS); **Camille Price**, DRMS and CO Department of Public Health and Environment (CDPHE); **Rachel Boothby**, UWP; **Sarah Sauter**, UWP; **Pat Willits**, TLR and Mayor of Ridgway; **Don Paulson**, Ouray County Historical Society; **Chuck Heywood**, US Geological Survey (USGS); and **Rein van West**, Ridgway-Ouray Community Council.

### Agenda

- Recap Idarado Remediation Process mtg & clarify with Camille Price, Project Manager
- Prepare presentation for Stakeholder Meeting February 3, 2011
- Determine direction of Mining Committee

**Consent Decree (CD):** Performance-based success of two measures

1. Water Quality - brown trout fishery not technically a measure of success for the CD but an idea developed by judge. \*Where does he want the fishery?
2. Revegetation of tailings piles – Extensions permitted if irrigating and fertilizing

**Contingency stage:** Newmont has 15 months to develop new plan, CDPHE has 4 months to review/negotiate/approve, and Newmont has 3 years to monitor new plan. If unsuccessful, cycle can be revisited one more time. \*But what happens after that?

### Plan C:

1. Put together new compliance methodology to broaden flow window using regression analyses equation to determine if concentrations have been met at different flows.
  - Baseline was determined at low flow conditions before stream freezing. At high flow, metals from draining adits are diluted.
2. Conduct analyses of all data collected prior to remediation of loading sites.
  - Data from River Watch and USGS are not reviewed. \*UWP compare side-by-side?
3. Copper? Could target be shifted to achieve same goal? What if zinc goal is met but fishery is still not achievable due to high copper levels?
  - Needs research. Where does it fit w/ other metals? How does it correlate w/ zinc?
  - RAP specifies zinc goal and parameters to measure it by. It cannot be renegotiated unless there is new information or an emergency.

### **Newmont's Perspective of UWP involvement**

- *Soft* approach for a partnership required, ie. Do not try to change the CD or RAP.
- Look for opportunities for them to help the community and receive good PR
- Understand Copper situation fully before approaching them about it.
- We can always write a letter.
- Sarah asked Camille for copies of public hearings record. Camille will provide annotated index of Public Involvement binders (33 volumes!)

### **Understanding CERCLA: Superfund Act.**

- Superfund sites are serious, environmental hazards that are initiated by the EPA via contractors who sue a Potentially Responsible Party (PRP)
- Subset: Natural Resource Damages lawsuit, which is initiated by the State.
- In 1984, Colorado sued 7 mining companies at once, including Idarado. The Idarado Reclamation site is not as large as Superfund sites.

### **Ouray Dam – Preliminary discussions**

- Most metals do not settle out, but rather stay dissolved in the water due to low pH. If pH is raised, metals will drop out into a sludge, which is a burden for removal and rids possibility of gravel revenue.
- Sediment removal would be an improvement. UWP should work with owner to create plan and do feasibility plan. If it looks good, funding search can follow.

### **Presentation to the UWP**

1. Introduce Mining Committee: Has met 3 times in the last two months. Lots of questions need to be answered, but our first goal was to understand the Idarado situation. We invited Bill Lyle to meet with us to talk about the Idarado reclamation and public input opportunities.
2. Update on Idarado: Newmont is committed to their responsibility to meet water quality and revegetation goals. The RAP (Remediation Action Plan) has a contingency plan if conditions of the Consent Decree are not met, which Idarado and the State both agree is the case. This spring, the State (Camille) will send them a letter requesting that Idarado develop a new plan to improve water quality. Idarado will have 15 months to respond with a plan. The state has 4 months to comment. There will likely be a back-and-forth before the new "plan" is approved.
3. Idarado background: We learned that Baumgartner owns most of the worst adits/water quality problems. Idarado agreed to clean them up as part of the settlement.
4. Public Input opportunities: State and Idarado would like to continue a regular dialogue with the community. There is no formal public input process required in the contingency plan, but this does not preclude us from asking for presentations and updates from the state and Idarado.
5. Mine Committee strategy: Figure out what is next. First, as a committee, we will review the mine-related sections of the Woodling WQ report (Headwaters to Reservoir) and discuss in March. Long-term goals are to look for watershed restoration projects outside of Idarado and Baumgartner mine sites that are free of legal issues and have funding opportunities. On-going focus will be to disseminate information and educate the public. There is a new generation who doesn't know what happened, and an old generation that is forgetting!

### **Mining Committee Direction Ideas**

- Research hydroelectric dam possibilities
- Understand Copper
- Monitor Wetlands
- Pat Willits suggested inviting Art Goodtimes to a mining committee meeting. Art is a current San Miguel County Commissioner and a former citizen's representative to the Idarado settlement negotiations. He could offer insight into a variety of issues surrounding the Idarado consent decree, including public involvement in the settlement process. He may also be candidate to speak at Conference.
- Next meeting: Discuss John Woodling's Water Quality Report
  - Early February: Sarah will prepare Mining Related Chapter for Camille's review
  - Mid-Late February: Sarah will email WQ Mining Chapter to Committee
  - Early-Mid March: Mining Committee will meet to discuss WQ Mining Chapter.