AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Correspondence; Colorado Department of Public Health and Environment; Application of U.S. Energy Corp. Concerning Voluntary Cleanup Program; Historic Keystone Mine, Gunnison County, Colorado

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
Letter from the BOCC to Colorado Department of Public Health and Environment, Voluntary Cleanup Program (VCUP) Regarding the Application of US Energy Corp Concerning Historic Keystone Mine in Gunnison County, Colorado

Fiscal Impact:

Submitted by: David Baumgarten **Submitter's Email Address:** dbaumgarten@gunnisoncounty.org

Finance Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date: Certificate of Insurance Required Yes ○ No ○

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\khaase Discharge Date: 4/11/2014

○ Consent Agenda ● Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 4/15/2014 Follow Up Agenda Date:

Revised April 2013

April 15, 2014

Mr. Fonda Apostolopoulos
Voluntary Cleanup Program
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Re: Application of U.S. Energy Corp. Concerning Voluntary Cleanup Program; Historic Keystone Mine, Gunnison County, Colorado

Dear Mr. Apostolopoulos:

The Board of County Commissioners of Gunnison County, Colorado is informed of your correspondence dated March 21, 2014 regarding the Colorado Department of Public Health and Environment's ("CDPHE") determination that certain of the U.S. Energy Corp. property in Gunnison County, Colorado is eligible to apply for the Voluntary Cleanup Program.

The Board appreciates that your correspondence is clear that approval of the application would be contingent upon full review by CDPHE together with the Colorado Department of Natural Resources, and in addition compliance "with all applicable federal, state, and local laws or regulations…"

The Board respectfully requests that, in CDPHE's review, CDPHE be attentive to include three elements:

1. A technical analysis of any proposed water treatment plan be conducted by a qualified third-party;

2. Full financing of any component or entirety of a project be funded and securitized as a condition of approval and before initiation of any work;

3. Any approval of a component or entirety of a project contain a regularly updated, monitored and fully funded and securitized contingency plan should efforts under the Voluntary Cleanup Program falter or fail.

As CDPHE identifies its analytic process, please be attentive to the need for full transparency, public notice, input and involvement.

The Board makes itself and Gunnison County staff available to you to assist.

Thank you.

Sincerely,

_____	_____	_____
Paula Swenson	Phil Chamberland	Jonathan Houck
Chairperson	Vice-Chairperson	Commissioner

Cc: Honorable John W. Hickenlooper
Honorable Michael F. Bennet
Honorable Mark Udall
Honorable Gail Schwartz
Honorable Millie Hamner
Dr. Larry Wolk, Executive Director, Colorado Department of Public Health and Environment
Mike King, Executive Director, Colorado Department of Natural Resources
Scott Armentrout, Forest Supervisor, U.S. Forest Service
Mayor Aaron Huckstep