

EXPLANATION OF SIGNIFICANT DIFFERENCES

**Malta Gulch Fluvial Tailing/
Leadville Corporation Mill/
Malta Gulch Tailing Impoundments,
Operable Unit 2
California Gulch Superfund Site
Lake County, CO**

July 2013

U.S. Environmental Protection Agency
Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

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1 Introduction

Site Name: California Gulch Superfund Site (Site) Operable Unit 2 (OU2)
Site Location: Lake County, Colorado
Site ID: COD980717938

1.1 Lead and Support Agencies

The United States Environmental Protection Agency (EPA) is the lead agency. The Colorado Department of Public Health and Environment (CDPHE) is the support agency.

1.2 Legal Authority for Explanation of Significant Differences

Under Section 117 (c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund), as amended by the Superfund Amendment and Reauthorization Act of 1986 (SARA), the EPA is required to publish an Explanation of Significant Differences (ESD) when significant, but not fundamental, changes are proposed to a previously selected site remedy. Sections 300.435(c)(2)(i) and 300.825(a)(2) of the National Contingency Plan (NCP) set forth the criteria for issuing an ESD and requiring that an ESD be published if the remedy is modified in a way that differs significantly in either scope, performance, or cost from the remedy selected in the Record of Decision (ROD) for the Site.

1.3 Summary of Purpose

This ESD presents the details of significant differences to the remedy selected in the September 30, 1999 ROD (1999 ROD) for Malta Gulch Fluvial Tailing/Leadville Corporation Mill/Malta Gulch Tailing Impoundments, OU2, of the California Gulch Superfund Site in Lake County, CO. This ESD provides a brief history of the Site, describes the original remedy as selected in the 1999 ROD, and explains how subsequent to the finalization of these decision documents, issues concerning institutional controls (ICs) have been identified for this operable unit.

1.4 Administrative Record

This ESD and its supporting documentation will be incorporated into the Administrative Record as directed in Section 300.825(a)(2) of the NCP. The Administrative Record file is available for public review at the following locations:

U.S. EPA, Region 8, Superfund Records Center

1595 Wynkoop Street

Denver, CO 80202-1120

303.312.6473 or toll free 800.227.8917

Viewing hours: 8:00 a.m. to 4:30 p.m., M-F, excluding holidays

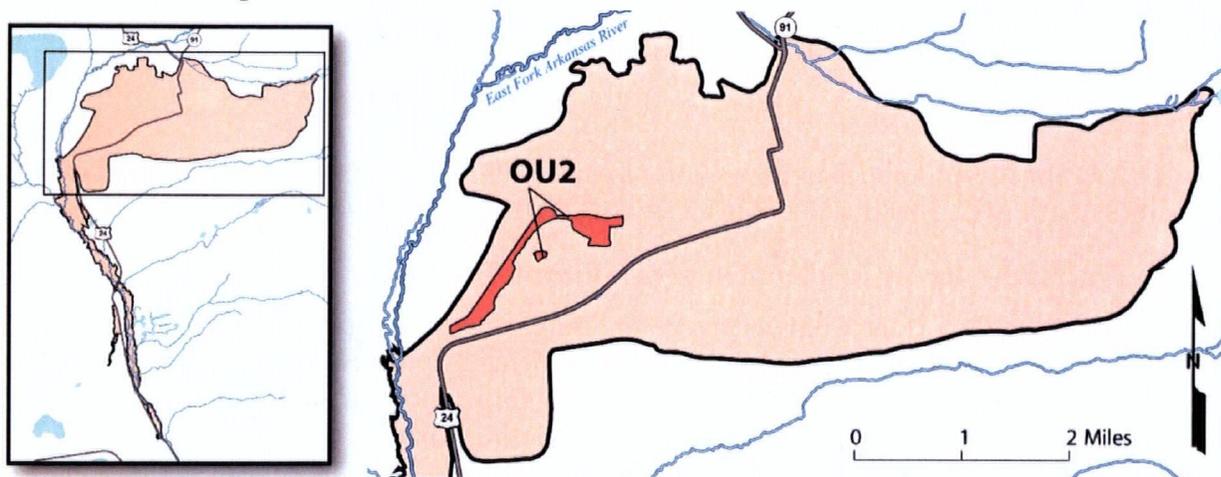
Lake County Public Library

1115 Harrison Avenue

Leadville, CO 80461

2 Site History, Contamination, and Selected Remedy

OU2 Location Map



Disclaimer: This map and any boundary lines within the map are approximate and subject to change. The map is not a survey. The map is for informational purposes only regarding the EPA's response actions at the Site, and is not intended for any other purpose.

2.1 Site History and Contamination

The Site is located 100 miles southwest of Denver in Lake County, Colorado. The Site covers 18 square miles and includes the city of Leadville, various parts of the Leadville Historic Mining District, and Stringtown. The Site also includes a section of the Arkansas River from the confluence of California Gulch to the confluence of Two-Bit Gulch. The Site was placed on the National Priorities List due to concerns about the impact of mine drainage on surface waters in California Gulch and the impact of heavy metals loading in the Arkansas River.

Pursuant to a 1994 Consent Decree, the EPA divided the Site into the 12 operable units (OUs). OU1 through OU11 were designated to facilitate source remediation and correspond with areas of responsibility. OU12, which covers the entire Site, was designated to address site-wide surface and groundwater.

OU2 is located to the southwest of the city of Leadville and consists of three waste features: Malta Tailing Impoundment (MTI), Malta Gulch Tailing Impoundments (MGTI) and Lower Malta Gulch Fluvial Tailing (LMGFT). The Malta Tailing Impoundment consists of three small impoundments occupying 4.6 acres and estimated to contain approximately 10,000 cubic yards of waste. It was constructed by Leadville Silver & Gold for a pyrite recovery process mill that operated from 1983 to 1988.

The Stringtown portion of the Leadville Mining Area District, which includes the MGTI, was developed between 1879 and 1882 as a large group of placer claims. The MGTI are approximately 23 acres in size, located at the upper end of Malta Gulch, and contain an estimated total of 1,510,000 tons of waste. The first tailing impoundment was created by the Ore & Chemical Company as part of a sink-float mill that operated from 1943 to 1946. Hecla Mining Company (Hecla), in conjunction with Day Mines (Day), leased the property as a site for disposal of tailing generated from its milling of ores from the Sherman Mine, a silver mine in a dolomite formation.

Leadville Corporation purchased the OU2 property in 1968 and leased it to Hecla, which later purchased Day Mines (Hecla/Day), until 1987. The MGTI, in its present configuration, was constructed in 1974 by Hecla/Day. During its leasehold, Hecla/Day operated an on-site flotation mill that generated approximately 680,000 tons of tailing. The Leadville Corporation refitted the mill to use a cyanide leaching process and approximately 50,000 tons of dolomitic tailing were added to the impoundments in 1988. On November 17, 2005, the Colorado Division of Reclamation, Mining and Safety initiated bond forfeiture with the permittee, Leadville Corporation, for the reclamation of OU2 facilities operated under the permit.

Lower Malta Gulch is directly downstream of the MGTI. When Ore & Chemical Company operated the mill, the tailing impoundments were not entirely effective for containment, as approximately 600,000 tons of the tailing washed or flowed down Lower Malta Gulch. As a result, the LMGFT area was created. The LMGFT area is approximately twenty six acres in size, consisting of fluvial tailing deposits with an estimated volume of 30,000 cubic yards.

2.2 Summary of Selected Remedy

Pursuant to a 1991 Administrative Order on Consent, HECLA performed an Engineering Evaluation/Cost Analysis (EE/CA) at the MGTI. The purpose of the EE/CA was to determine the nature and extent of releases and to determine an appropriate response action.

Based on the results of sampling conducted as part of the 1993 EE/CA, the EPA determined the principal threats at OU2 were the potential for ingestion by individuals; through direct contact with the tailing material, which is contaminated with heavy metals; and the potential release of heavy metals, cyanide and sulfates to groundwater as a result of precipitation events. Lead is the principal contaminant of concern (COC). The response actions performed were designed to control all COCs contained in the capped material. Four removal/response actions were performed in OU2 prior to issuance of the ROD.

In August 1993, the EE/CA was approved as final. An action memorandum, officially selecting the EE/CA's preferred alternative, was issued by the EPA on September 10, 1993. The removal Action included consolidation, grading, capping, and revegetating the MGTIs.

Leadville Silver & Gold agreed in a September 3, 1993 Consent Decree to perform the response actions at the MTI of OU2 unless it was not financially feasible. Leadville Silver & Gold demonstrated that it did not have the ability to pay for or perform the cleanup.

In a partial consent decree entered on August 17, 1994 between the United States and Hecla, Hecla paid \$680,000 to settle its liability at the MGTI. Thus, the EPA used these funds to conduct the removal action at the MGTI in 1995 and 1996.

Pursuant to an August 14, 1995 action memorandum, the EPA conducted a time critical removal action in Lower Malta Gulch. The fluvial tailings were excavated and removed, and the excavation area was revegetated. Confirmation sampling demonstrated that the excavation and removal had successfully lowered lead levels to below the Site residential clean-up level of 3,500 ppm total lead.

The EPA signed an August 9, 1996 action memorandum for a time critical removal action for the MTI. The removal action selected in the August 1996 action memorandum was to consolidate the acid-generating materials, neutralize the acidic leachate, cap and revegetate. This response

action was completed in 1996. Leadville Silver & Gold agreed that it had the financial ability to conduct the monitoring to assure the long-term stability of the consolidated cap.

In 1997, officials of the State's Division of Minerals & Geology (DMG) conducted a mine permit inspection and discovered that 42 drums, containing acids, bases and flammable liquids, in one of the buildings at the Leadville Corporation mill, were corroding and beginning to leak as evidenced by moisture on the drum surfaces. No leakage from any of the drums was found on the ground surface. Since Leadville Corporation did not have the resources to dispose of the drums, the State's DMG requested assistance from the EPA's Emergency Response Team. The EPA signed an action memorandum on April 15, 1998 for a time critical removal action. The EPA notified Leadville Corporation of the problem and offered it the opportunity to conduct this removal action. Leadville Corporation declined the opportunity. The EPA conducted the removal action in May and June 1998 by over-packing thirty-six 55-gallon drums and six 5-gallon containers and sending the materials off-site for proper disposal.

Periodic monitoring will be conducted at the MGTI and MTI to assure that the response actions conducted remain effective and to assure that the zoning has not changed.

The EPA issued the ROD for OU2 on September 30, 1999. The 1999 ROD indicated that the removal actions conducted at OU2 greatly reduced or eliminated any potential risk posed to human health or the environment from releases of hazardous substances found at the MGTI, the Lower Malta Gulch and the MTI portions such that there are no unacceptable risks to human health and the environment from those sources.

With regard to ICs, the 1999 ROD stated:

“No further response actions are necessary for the Malta Gulch Tailing Impoundment and MTI portions of OU2, as long as the present zoning, Industrial Mining, or similar zoning that does not allow residential use is maintained. Procedures will be established to notify the EPA of any proposed zoning or land use changes. These procedures, and other measures, will be established in coordination with the other operable units where waste is left in place. In addition, the MGTI is presently covered under a permit from the State Department of Minerals and Geology and the no further action decision assumes that uses inconsistent with that permit shall be prevented. The Lower Malta Gulch portion of OU2 requires no ICs.”

Accordingly, the 1999 ROD determined that ICs were needed for the MGTI and the MTI, that the County zoning provided that IC for the MGTI and the MTI, that the permit from the DMG provided an additional IC for the MGTI, and that no further removal actions or remedial actions were necessary since no unacceptable risks to human health or the environment remained at OU2.

OU2 was deleted from the NPL in July 2001.

3 Basis for and Description of Significant Differences

ICs continue to be needed at OU2 because the remedial action results in hazardous substances, pollutants, or contaminants remaining at OU2 above levels that allow for unlimited use and unrestricted exposure and the remedy includes engineered features or structures that require monitoring, maintenance or operation, or that will not function as intended if they are disturbed.

Since the ROD, the Colorado Division of Reclamation, Mining and Safety, the State Agency that assumed DMG's role in Colorado, revoked the permit on the MGTI. The zoning for the MGTI and MTI remains Industrial Mining and, no land use changes have occurred at this operable unit.

The EPA and CDPHE have determined that implementing the County Ordinance would strengthen protection of human health and the environment for the portions of OU2 where contaminated soils above the action levels for residential, commercial, or industrial use are left in place or engineered structures have been constructed.

The objectives of the ICs are as follows:

- Reduce or control human exposure to contaminants of concern.
- Maintain the integrity of and prevent disturbances to engineered features or structures established as part of the current remedy or future remedies.

On April 15, 2013, Lake County passed an ordinance, which applies to all of OU2, establishing additional institutional controls for OU2. A copy of the ordinance can be found in the Appendix. Under this ordinance, the County will not issue a permit for any activity on property within OU2 that contains a designated engineered remedy unless the permit applicant has secured approval for those activities from the CDPHE. For all other portions of OU2 not designated as part of an engineered remedy, the ordinance provides that any excavation or other earth removal activity that exceeds 10 cubic yards requires CDPHE approval for such activity as a condition precedent to the County granting a permit. Finally, the ordinance provides that all permit applicants shall be provided with information regarding best management practices regarding potentially contaminated soils and the applicant must certify they have received and reviewed this information before a permit will be issued.

4 Support Agency Comments

CDPHE supports the EPA's decision to modify the remedy for OU2.

5 Statutory Determinations

The EPA has determined that these significant changes comply with the statutory requirements of Section 121 of CERCLA such that the remedy remains protective of human health and the environment and complies with Federal and State requirements that are applicable or relevant and appropriate to this remedial action.

Because this remedy will result in hazardous substances, pollutants, or contaminants remaining on site above levels that allow for unlimited use and unrestricted exposure, a statutory review will be conducted no less often than each five years after the initiation of the remedial action to ensure that the remedy is, or will be, protective of human health and the environment.

6 Public Participation

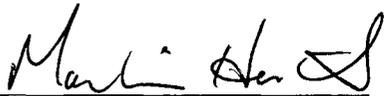
All of the public participation requirements set forth in Sections 117(c) and (d) of CERCLA, as well as Section 300.435(c)(2)(i) of the NCP will be met. Although a formal public comment period is not required when issuing an ESD, this ESD and all documents that serve as the basis

of this are contained in the Administrative Record for the California Gulch Superfund Site. The EPA will also publish a notice of availability and a brief description of the ESD in the Leadville Herald Democrat.

7 References

- *Action Memorandum, California Gulch Superfund Site, Malta Gulch, Operable Unit 2, Leadville, Colorado* (SDMS# 315870). U.S. Environmental Protection Agency. September 10, 1993.
- *Action Memorandum, California Gulch Superfund Site, Malta Gulch, Operable Unit 2, Leadville, Colorado* (SDMS# 305895). U.S. Environmental Protection Agency. August 14, 1995.
- *Action Memorandum, California Gulch Superfund Site, Malta Gulch, Operable Unit 2, Leadville, Colorado* (SDMS# 321257). U.S. Environmental Protection Agency. August 9, 1996.
- *Action Memorandum, California Gulch Superfund Site, Malta Gulch, Operable Unit 2, Leadville, Colorado* (SDMS# 346866). U.S. Environmental Protection Agency. April 15, 1998.
- *Administrative Order on Consent, California Gulch Superfund Site, Malta Gulch, Operable Unit 2, Leadville, Colorado* (SDMS# 318530). U.S. Environmental Protection Agency. September 12, 1991.
- *Approval of Final Engineering Evaluation and Cost Analysis, California Gulch Superfund Site, Malta Gulch, Operable Unit 2, Leadville, Colorado* (SDMS# 309834). U.S. Environmental Protection Agency. August 2, 1993.
- *Consent Decree with Apache Energy and Mineral Co., Civil Action No. 83-C-2388. California Gulch Superfund Site* (SDMS# 305139). U.S. District Court. September 3, 1993.
- *Consent Decree with Asarco Inc., Resurrection Mining Co., Newmont Mining Co., the Res-Asarco Joint Venture, Leadville Corp., and Apache Energy and Mineral Co., Civil Action No. 83-C-2388 and 86-C-1675. California Gulch Superfund Site* (SDMS #303506). U.S. District Court. May 1994.
- *Engineering Evaluation and Cost Analysis, Prepared for Helca Mining Co., Malta Gulch Tailings, Leadville, CO* (SDMS #316082). Adrian Brown Consultants, Inc. March 29, 1993.
- *Final Consent Decree with Newmont Mining USA, Leadville Corp., and Apache Energy and Mineral Co., Civil Action No. 83-C-2388 and 86-C-1675. California Gulch Superfund Site* (SDMS# 1073144). U.S. District Court. June 2008.
- *Partial Consent Decree with Apache Energy and Mineral Co., et al., Civil Action No. 83-C-2388. California Gulch Superfund Site* (SDMS# 287750). U.S. District Court. August 17, 1994.
- *Polrep, California Gulch Superfund Site, Malta Gulch, Operable Unit 2, Leadville, Colorado* (SDMS# 2038082). U.S. Environmental Protection Agency. July 15, 1998.

- *Record of Decision, California Gulch Superfund Site, Malta Gulch, Operable Unit 2, Leadville, Colorado* (SDMS# 211888). U.S. Environmental Protection Agency. September 30, 1999.
- *Resolution 2013-13*. (SDMS# 1261487). Lake County Commissioners. April 15, 2013.



Martin Hestmark
Assistant Regional Administrator
Office of Ecosystems Protection and Remediation
U.S. EPA, Region 8

7/29/13
Date
(originally signed)

8 Appendix

Found in the Appendix are the institutional controls for OU2 which include:

- *Resolution 2013-13*. (SDMS# 1261487). Lake County Commissioners. April 15, 2013.

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

COUNTY OF LAKE AND STATE OF COLORADO



RESOLUTION 2013- 13

**A RESOLUTION AMENDING THE LAKE COUNTY LAND DEVELOPMENT CODE
AND ADOPTING REGULATIONS CONCERNING INSTITUTIONAL CONTROL FOR
OPERABLE UNITS WITHIN THE CALIFORNIA GULCH SUPERFUND SITE**

WHEREAS, the Board of County Commissioners of the County of Lake, State of Colorado ("Board"), is vested with administering the affairs of Lake County, Colorado, pursuant to state statutes;

WHEREAS, the Board has initiated a Land Use and Development Application, file number 13-04, proposing that the *Lake County Land Development Code* ("LDC") be amended to meet the requirements of the various Environmental Protection Agency ("EPA") Records of Decision or Action Memoranda that require institutional controls for the California Gulch Superfund Site, designed to prevent contaminated soils from being handled inappropriately and to assist the EPA in deleting the California Gulch Superfund Site from the National Priorities List ("NPL");

WHEREAS, because the amendment to the LDC was initiated by the Board, no application fee was required to be paid;

WHEREAS, the LDC does not currently contain provisions establishing institutional controls for Operable Units 2 or 5 (OU2 and OU5) of the California Gulch Superfund Site;

WHEREAS, an amendment to the LDC is necessary to add provisions specific to OU2 and OU5;

WHEREAS, the Lake County Planning Commission and the Board held a joint public hearing on this matter on the 8th day of April, 2013;

WHEREAS, the Board has considered the recommendations of the Lake County Land Use Department and the Planning Commission; and

WHEREAS, the Board finds that the foregoing amendments to the LDC are consistent with the goals, objectives, policies and other provisions of the *Lake County Comprehensive Plan*, and the LDC; are necessary because of changing social values, new planning concepts, or other social or economic conditions; and will promote the public health, safety, and general welfare of the citizens of Lake County.



NOW THEREFORE BE IT RESOLVED that:

Section 1. This Resolution is consistent with the goals, objectives, policies and other provisions of the *Lake County Comprehensive Plan*, and the LDC.

Section 2. This Resolution is necessary because of changing social values, new planning concepts, or other social or economic conditions.

Section 3. This Resolution is found to promote public health, safety, and general welfare.

Section 4. The LDC Chapter 3.2.1(D) is amended to add the following new subsections:

11. Operable Unit 2 (OU2). This operable unit is fully described by the EPA Record of Decision for Operable Unit 2, dated September 30, 1999. Generally, OU2 encompasses the Malta Gulch drainage. OU2 was deleted from the National Priorities List in June 2001.

12. Operable Unit 5 (OU5). This operable unit is fully described by two EPA Records of Decision for Operable Unit 5, dated September 29, 2000 and October 31, 2000. Generally, OU5 encompasses the ASARCO Smelter/Colorado Zinc-Lead Mill Site - smelter sites around Leadville and one mill site. The smelter sites include the EGWA sites (Elgin Smelter, Grant/Union Smelter, Western Zinc Smelter, and Arkansas Valley South Hillside Slag Pile) and the AV/CAL sites (Arkansas Valley Smelter and Colorado Zinc-Lead Mill).

Section 5. The LDC Chapter 3.2.2 is repealed and replaced with the following:

3.2.2 Best Management Practices Informational Handout.

Each applicant for a building permit within the boundaries of Operable Unit 3, Operable Unit 8, the seventeen mine waste piles in Operable Unit 9, Operable Unit 4, Operable Unit 7, Operable Unit 2 and Operable Unit 5 of the California Gulch Superfund site will be provided with a handout from the Lake County Building Department regarding Best Management Practices for managing potentially contaminated soils in Lake County. Each applicant will be obligated to sign a document attesting to the fact that he/she has read and understood the Lake County Best Management Practices handout. No building permit will be issued without the applicant's written acknowledgement provided to the County.

Section 6. The LDC Chapter 3.2.3 is amended to add the following new subsections:

F. Operable Unit 2 of the California Gulch Superfund Site.

1. Engineered Remedies. It shall be unlawful to erect, construct, reconstruct, alter or modify the footprint of any building, structure or improvements on land, including excavation, within an



engineered remedy in Operable Unit 2 of the California Gulch Superfund Site without prior notification and approval from the Colorado Department of Public Health and Environment.

Written proof of approval from the Colorado Department of Public Health and Environment is a condition precedent to issuance of a building permit by the Lake County Building and Land Use Department. The applicant must submit a written request for approval to the Colorado Department of Public Health and Environment with a copy to the Lake County Building and Land Use Department, each via certified mail. The Colorado Department of Public Health and Environment will provide an initial response within ten (10) days of receipt of the written request and will use best efforts to coordinate with landowners to provide a timely resolution of the request. Applicants are solely responsible for obtaining written approval from the Colorado Department of Public Health and Environment.

2. Non-Engineered Remedies. It shall be unlawful to excavate and remove any earthen materials including, but not limited to, native dirt, native soil, mine waste rock or mine tailings from the owned parcel on an EPA non-engineered remedy in excess of ten (10) cubic yards in Operable Unit 2 of the California Gulch Superfund Site without prior approval from the Colorado Department of Public Health and Environment.

Written proof of approval from the Colorado Department of Public Health and Environment is a condition precedent to issuance of a building permit by the Lake County Building and Land Use Department. The applicant must submit a written request for approval to the Colorado Department of Public Health and Environment with a copy to the Lake County Building and Land Use Department, each via certified mail. The Colorado Department of Public Health and Environment will provide an initial response within ten (10) days of receipt of the written request and will use best efforts to coordinate with landowners to provide a timely resolution of the request. Applicants are solely responsible for obtaining written approval from the Colorado Department of Public Health and Environment.

3. Penalty. Failure to provide proof of prior notification and approval from the Colorado Department of Public Health and Environment for these prohibited activities is subject to a civil penalty of one hundred dollars (\$100.00). Additionally, the infraction will be reported to the Colorado Department of Public Health and Environment by letter from the Lake County Building and Land Use Department.

G. Operable Unit 5 of the California Gulch Superfund Site.

1. Engineered Remedies. It shall be unlawful to erect, construct, reconstruct, alter or modify the footprint of any building, structure or improvements on land, including excavation, within an engineered remedy in Operable Unit 5 of the California Gulch Superfund Site without prior notification and approval from the Colorado Department of Public Health and Environment.



Written proof of approval from the Colorado Department of Public Health and Environment is a condition precedent to issuance of a building permit by the Lake County Building and Land Use Department. The applicant must submit a written request for approval to the Colorado Department of Public Health and Environment with a copy to the Lake County Building and Land Use Department, each via certified mail. The Colorado Department of Public Health and Environment will provide an initial response within ten (10) days of receipt of the written request and will use best efforts to coordinate with landowners to provide a timely resolution of the request. Applicants are solely responsible for obtaining written approval from the Colorado Department of Public Health and Environment.

2. Non-Engineered Remedies. It shall be unlawful to excavate and remove any earthen materials including, but not limited to, native dirt, native soil, mine waste rock, mine tailings, slag, flue dust, smelter waste, residential area soils and non-residential area soils from the owned parcel on an EPA non-engineered remedy in excess of ten (10) cubic yards in Operable Unit 5 of the California Gulch Superfund Site without prior approval from the Colorado Department of Public Health and Environment.

Written proof of approval from the Colorado Department of Public Health and Environment is a condition precedent to issuance of a building permit by the Lake County Building and Land Use Department. The applicant must submit a written request for approval to the Colorado Department of Public Health and Environment with a copy to the Lake County Building and Land Use Department, each via certified mail. The Colorado Department of Public Health and Environment will provide an initial response within ten (10) days of receipt of the written request and will use best efforts to coordinate with landowners to provide a timely resolution of the request. Applicants are solely responsible for obtaining written approval from the Colorado Department of Public Health and Environment.

3. Penalty. Failure to provide proof of prior notification and approval from the Colorado Department of Public Health and Environment for these prohibited activities is subject to a civil penalty of one hundred dollars (\$100.00). Additionally, the infraction will be reported to the Colorado Department of Public Health and Environment by letter from the Lake County Building and Land Use Department.

Section 7. The LDC Chapter 8.2.10 is hereby amended to add the following new subsections:

F. Operable Unit 2.

To erect, construct, reconstruct, alter or modify the foot print of any building, structure or improvements on land, including excavation, within an EPA engineered remedy in Operable Unit 2 of the California Gulch Superfund Site without prior approval of the Colorado Department of Public Health and Environment.



To excavate and remove any earthen materials including, but not limited to, native dirt, native soil, mine waste rock or mine tailings from the owned parcel of an EPA non-engineered remedy in excess of ten (10) cubic yards in Operable Unit 2 of the California Gulch Superfund Site without prior approval of the Colorado Department of Public Health and Environment.

G. Operable Unit 5.

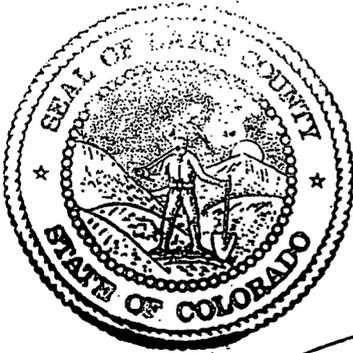
To erect, construct, reconstruct, alter or modify the foot print of any building, structure or improvements on land, including excavation, within an EPA engineered remedy in Operable Unit 5 of the California Gulch Superfund Site without prior approval of the Colorado Department of Public Health and Environment.

To excavate and remove any earthen materials including, but not limited to, native dirt, native soil, mine waste rock, mine tailings, slag, flue dust, smelter waste, residential area soils and non-residential area soils from the owned parcel of an EPA non-engineered remedy in excess of ten (10) cubic yards in Operable Unit 5 of the California Gulch Superfund Site without prior approval of the Colorado Department of Public Health and Environment.

Section 8. This Resolution shall become effective upon its adoption.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Lake, State of Colorado, this 15th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, COLORADO



Mike Bordogna, Chairman

Dolores Semsack

Bruce Hix

ATTEST:

Patricia A. Berger, Clerk and Recorder,
Lake County, Colorado; ex officio
Clerk to the Board



California Gulch Superfund Site -
 Operable Units (OUs) Covered by Ordinances
 OU 2 - Malta Gulch &
 OU 5 - ASARCO Smelters/Slag/Mill Sites

-  OU 2 (Deleted)
-  OU 5
-  NPL Boundary
-  Rivers and Streams
-  Streets

Map Date: January 25, 2013

Map Projection: UTM, Meters, 13 North, NAD83

Data Sources:

- Operable Unit & NPL Boundaries - U.S. EPA Region 8 (2013)
- Streets - Navteq (2011)
- Rivers and Streams - CDOW (2004)
- Imagery - Bing (2013)

*Boundaries are based on the nature and extent of contamination and are subject to change.

