



November 17, 2024



Ms. Jamie Miller
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202

transmitted via email



Re: Eagle Mine Superfund Site - Exclusion of Third-Party Data from Five Year Reviews

Dear Ms. Miller,



The Eagle River Water & Sanitation District ("the District"), Upper Eagle Regional Water Authority, Eagle County, Eagle River Coalition, and the towns of Avon, Eagle, Gypsum, Minturn, and Vail (collectively the "Eagle River Stakeholders") provide the attached memorandum in response to the EPA's position that third-party data shall be excluded from all future five-year reviews for the Eagle Mine Superfund Site.



Protecting and improving the water quality of the Eagle River watershed is of utmost importance to the Eagle River Stakeholders. The Eagle Mine Superfund Site, despite the cleanup activities that have occurred over the past 30 years, continues to cause degradation of the water quality of the Upper Eagle River because remedial actions needed to meet water quality standards have not been fully implemented. Eagle River water quality is a crucial component of Eagle County's recreation- and tourism-based economy. Furthermore, there are numerous drinking water treatment facilities and wastewater treatment facilities located downstream of the Site that are also negatively affected by increased metals loading upstream, as it increases the cost of treatment for drinking water and wastewater alike due to increased metals in source water (drinking water), reduced assimilative capacity in the river resulting in lower discharge limits (wastewater), and increased chemical use to achieve treatment requirements (both).



The Eagle River Stakeholders strongly object to EPA's decision to exclude third-party data (with the exception of USGS data) from future five-year reviews and other reports. Since cleanup began at the Eagle Mine Site more than 30 years ago, the frequency and duration of exceedances of water quality standards for metals in the Upper Eagle River have been reduced; nonetheless, such exceedances occurred in four out of the five-year (2017-2022) period of record. All these exceedances were detected in water samples collected by the District and River Watch, while no exceedances of the standards were detected in samples collected by the Potentially Responsible Party (PRP) and USGS.



The District invests more than 240 staff-hours per year sampling Upper Eagle River site E-22 just downstream of Minturn. In fact, the District's data makes up 45% of all the data collected by all parties in the Upper Eagle River across Segments 5a, 5b, and 5c (64% when River Watch data is incorporated). Data collected by the PRP only makes up 26% of all the samples collected by stakeholders (35% with the USGS data incorporated). Water quality data collected by the District and River Watch is readily available and credible, is used by the Colorado Water Quality Control Division and EPA for other regulatory purposes and should not be excluded from future five-year reviews and other studies,



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including the pending preliminary design investigation associated with the groundwater extraction systems at Belden and Rock Creek.

We request that the EPA reconsider its decision to exclude third-party data from its FYRs. We also request the opportunity to meet with you to further discuss our concerns and options for addressing these issues. As stakeholders, we all share the goal of fully implementing the remedial measures needed to meet water quality standards at the Eagle Mine Site.

I submit this letter on behalf of the Boards of Directors of the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority, as well as Jeff Shroll, Eagle County Manager, Vicki Flynn, Eagle River Coalition Executive Director, and the following town managers: Eric Heil (Avon), Larry Pardee (Eagle), Jeremy Rietmann (Gypsum), Michelle Metteer (Minturn), and Russell Forrest (Vail).

Please let us know if you have any questions. We look forward to hearing from you soon.

Sincerely,

Siri Roman, P.E.
General Manager
Eagle River Water & Sanitation District

CC: Steve Bushong, Bushong & Holleman PC
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