

Meeting Notes

Bonita Peak Community Advisory Group

Sept. 26, 2019, 6:00-8:30.

CAG members in attendance: Peter Butler, Paul Montoia, Chara Ragland, Jenna Emerick, Anthony Edwards, Parker Newby, Brian Devine, Melissa May, Ty Churchwell, Charlie Smith, John Ott, Larry Perino, Trevor Downing. **Not in attendance:** Marcel Gaztambide, Levi Lloyd, Terry Morris, and Russ Anderson.

There were a number of members of the public along with representatives of EPA, USFS, USGS, CDPHE, DRMS, and BLM.

Introductions, Videotaping Requests, and Approval of Minutes

Peter asked CAG members and then audience members to introduce themselves. The first item on the agenda was two requests for videotaping meetings. Under the Bonita Peak CAG bylaws, anyone wishing to videotape CAG meeting needs permission from the CAG first. Attorneys for Sunnyside Gold Corp. respectfully requested permission to videotape all CAG meeting and offered to provide tapes to the CAG which the CAG could post online for the general public. Tom Schillaci, an independent filmmaker, requested permission to videotape the October CAG meeting in Farmington.

After quite a bit of discussion, the CAG decided to deny permission to videotape to both parties. The main concern was that the videotaping could make speakers unwilling to speak as freely as they might do otherwise, and that the taping might make for less open discussion and dialogue. Some of the evening's speakers had indicated to Peter before the meeting that being videotaped would make them uncomfortable. It was noted that CAG meetings are open to the public to listen and take notes, and that meeting summaries are posted on the CAG website for those who want to know what goes on at CAG meetings.

John made a motion to deny the request from Sunnyside Gold's attorneys and Charlie seconded. Larry recused himself from the discussion and the vote because he was previously employed by Sunnyside Gold and could still potentially do contract work for them in the future. With the exception of the recusal, all CAG members supported the motion. Ty moved that the CAG deny Tom Schillaci's request, and John seconded. The motion passed unanimously.

Charlie moved to approve the meeting notes from August. Anthony seconded. All members present voted in favor of the motion except for abstentions for those not present at the August meeting (John, Jenna, Parker, Chara).

Website Updates

Ty reported that the website is up to date and if there is anything missing or needs to be added, please let him know. Several CAG members said they've found the website quite useful to catch up on information, especially if they've missed a meeting.

Updates from Different Agencies Working in the BMPD Site (USGS, DRMS, CDPHE, BLM, FS, EPA)

The CAG asked various agencies to provide an overview of their current activities in basin.

USGS: Rob Runkle provided the overview. Doug Yeager is leading a project using various geophysical methods to map the underground geology in the Silverton Caldera including faults and potential groundwater pathways. Some of this work will be compared to Rob's work using tracers in surface waters to identify surface and groundwater sources of metals in different stream segments throughout the basin. The tracer studies will also be used in conjunction with fiber optic temperature sensors that EPA is deploying in certain locations. A doctoral student from CU, Tanya ?, is looking at isotopes in groundwater sources to try to determine the age of possible sources. USGS has also brought in an expert on pipe scaling to look at issues regarding pipes carrying water from the Gold King down to the treatment plant.

Data from some of this work may be available soon, however, analysis and interpretation will need to go through review, and it may be a while before it is released.

DRMS: Kirsten Brown provided the overview. DRMS is currently focused on mine closures while they work out an MOU with EPA limiting their potential liability for work they do on various sites. Before the Gold King spill, DRMS had an MOU with EPA that allowed them to contract and provide oversight for ARSG projects under the 319 program.

Kirstin just finished a closure on the Ben Franklin which should provide water quality benefits. An open stope was backfilled with site mine waste mixed with lime. The top portion was mixed with Portland cement to minimize percolation. They also did hydrologic controls to minimize water moving through the site. More work at the site is expected by the property owner. Next year, DRMS will take a similar approach in filling an open stope at the Ben Butler. DRMS is not working on adits. There are a number of other smaller closure projects DRMS is working on throughout the basin.

DRMS has also been working with a Ft. Lewis class that has been developing prototypes of robots for exploring the underground workings at the Gold King. There have been several tests that have gone a couple hundred feet back into the mine.

CDPHE: Mark Rudolph provided the overview. CDPHE is looking for funding to do remediation work on the Little Dora and North Star, two mines along Mineral Creek near Silverton, with DRMS. They were not included in EPA's initial list of sites because of their proximity to Silverton. There are concerns that Superfund sites closer than 3,000 feet to houses might affect the ability of homeowners to get loans which has happened at other sites. (There are, of course, no set boundaries to the BPMD site.)

CDPHE has been focused on the ASARCO properties in the basin because \$4 million was initially set aside in a settlement to work on those properties. Only the Aspen and Amy sites, which are close together, are part of EPA's 48 site list. Ramboll consulting is developing plans for in-situ remediation of the mine waste piles at these sites. Ramboll has also been mapping and videoing with drones all the properties around Silver Lake.

CDPHE is working with DRMS on plans to do work on some of the IROD sites next summer.

BLM: Stuart Schnyder and Lisa Merrill presented. Contractors for BLM are finishing an iron terrace for partial metal removal at the Elk Tunnel (Cement Creek). They removed the previous limestone bed and sediment pond system which was installed almost twenty years ago. This is a test case to see how well this passive system works and if it's worthwhile using in other locations.

BLM has cleaned out the concrete pillbox at the Wynona mine which has been used over the years for testing different materials for metal removal. They plan to make the box and the road to the site much safer and easier to use for vendors wanting to test methods for removing metals from acid mine drainage.

They are also examining the May Day repository (Cement Creek) for any maintenance needs. The repository holds mine waste from the May Day and tailing from the Lackawanna Mill across from the Animas River from the north end of Silverton.

BLM re-contoured and vegetated damage done at the top of Burrows Gulch by an individual trying to divert water out of the Animas Basin to the Uncompahgre Basin. Outside of where BLM worked, there is a legal transbasin ditch and water rights that some people would like to get diverted back to the Animas Watershed to restore wetlands.

In addition, BLM is planning on removing fines on BLM property near the Bagley Tunnel.

FS: Ben Martinez presented. FS has done a Lidar survey which helps for planning purposes. They also paid for much of the aerial geophysical survey by USGS to help identify groundwater pathways of potential metal sources. FS is doing more characterization work at the Brooklyn Mine and plan to do characterization work at the Bandora next year.

They have also conducted cultural and ESA surveys, and consulted with all three Ute tribes about cultural resources in the BPMD. In addition, they are studying melting rock glaciers and how they may affect water quality and the impact of fens.

EPA: Christina Prograss presented. Christina described a number of recent accomplishments. The Biological Risk Assessment was completed. So was the Human Health Risk Assessment although it may be amended after EPA hears from the Southern Ute Tribe. EPA has developed some overall site goals and has been doing a lot more bug and fish sampling. They are working on an Adaptive Management plan for the overall site.

Most of the work has been completed at the Kittimac tailing site where sludge from the Gladstone treatment plant has been incorporated. Additional top soil will be trucked in from Durango over the coming weeks. They have also been trying to reduce the water in the sludge at Gladstone to improve the ease of handling and to have less volume.

A diagonal well has been drilled down to the American Tunnel between bulkheads #2 and #3. The water pressure in the tunnel was not found to be very high. They hope to do a pressure test at the Red & Bonita bulkhead by shutting the valve next summer to see if the bulkhead is working properly.

There was a request from a member of the public for an organizational chart of all the different people working at the site for EPA and how the different agencies activities interact with one another.

Sampling at Confluence of Cascade Cr. and Animas

Peter said that we've collected two samples and plan to get another next week. He asked anyone willing to hike in to let him know. John said that folks at Ah Wilderness would be willing to run someone in to Cascade next week with a pop car if that was of interest.

Funding Wish List

The group discussed some options for funding and where it could be housed. The initial expense to be covered is administrative. Much of the current costs like the website, meeting space, communications to CAG members and the public have been covered by TU. Expenses associated with developing agendas,

drafting meeting notes, organizing and coordinating speakers have been covered by Peter using remaining ARSG funds.

Other expenses include lab costs for samples collected from the Animas at Cascade which TU has been covering. We anticipate that these costs will be covered by funds from the WIIN grant through CDPHE in the future.

Peter has suggested that updating the ARSG water quality data base (metals) with data from all entities sampling in the upper Animas and analyzing that data would be very important to the CAG. Surface water quality is the biggest issue driving this Superfund site. Without a thorough understanding of water quality, it's hard for the CAG to have meaningful input. Generally speaking, EPA utilizes only data EPA collects. Most of the non-EPA data is collected monthly at the gages by River Watch. Updating and analyzing data in house might cost \$25 - \$30K. Hiring a consultant to do the work might cost twice that much.

Potential sources of funding were discussed including the Southwestern Water Conservation District (SWCD), the Animas Water Co, La Plata Electric Assoc., local governments which have appointed CAG members, the Basin Roundtable or 319 funds administered by WQCD. SWCD's application process starts Nov. 1.

Potential fiscal agents include Trout Unlimited, the San Juan Resource, Conservation, and Development Council (SJRCDC) and the Southwest Council of Governments. SJRCDC was the fiscal agent for ARSG, but it has been undergoing structural changes. SJRCDC may end up under the umbrella of the Southwest Council of Governments. Peter will check up on it.

Administrative Items

- ✓ Peter drafted a letter to WQCD about items in the public notice for an upcoming 303(d) listing hearing that might not be quite correct. While none of the items were major issues, he thought it was worthwhile pointing them out and asked if the CAG would like him send the letter on behalf of the CAG. It would also let WQCD know that the CAG was paying attention to water quality issues. Melissa made a motion to submit the letter on behalf of the CAG, and Paul seconded. All CAG members supported the motion.
- ✓ A letter from Sunnyside Gold to EPA was copied to the CAG regarding potential use of a tailings pond for sludge disposal from the Gold King treatment plant. The letter was distributed to all CAG members.
- ✓ Rebekah Moran, a student from the Dept. of Emergency Mgmt. Program at University of North Texas had previously asked if she could interview CAG members about the emergency response regarding the Gold King spill. CAG members were not sure if they were the best group for those interviews, but she came to the meeting with her request. Some CAG members pointed to the Animas River Community Forum as perhaps a better group to interview. Several CAG members who have been involved with the Forum said they would be happy to talk with her after the meeting.
- ✓ The next CAG meeting will be in Farmington on Oct. 24. The meeting will be an introduction to New Mexico folks as to who is on the CAG and what we are doing. The CAG will hear from some New Mexico speakers what their concerns are regarding the BPMD site.
- ✓ On November 7th, the Silverton Planning Group is inviting the CAG to join them in a work session with EPA to discuss ideas for developing an Adaptive Management Plan. It will be an opportunity to provide direct input. The work session itself will not provide an opportunity for interaction with the general public, but there will be an evening session where EPA, the CAG and the Planning Group will jointly present and discuss the work session with the public.

No Public Comment

8:43 PM: Adjourn