

SGC

[“Successful in improving Animas River water quality”](#)

Sunnyside Gold Corporation
5075 S. Syracuse Street, Suite 800
Denver, Colorado 80237
www.sgcreclamation.com

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Katherine Jenkins
Community Involvement Coordinator
U.S. Environmental Protection Agency
Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Via email

Re: Bonita Peak Strategy

Dear Ms. Jenkins:

More than four years after EPA’s Gold King Incident, we appreciate the opportunity to comment upon EPA’s long overdue development of a strategy to further improve Animas River water quality. Having demonstrably improved water quality during both its brief five years of mining and subsequent reclamation, SGC is in a unique position to provide constructive input. We believe that, to be successful, any strategy must be based upon the following eight pillars.

EIGHT PILLARS TO IMPROVE WATER QUALITY IN THE ANIMAS

1. No More Delays. It has been more than five years since the Animas River Stakeholders Group (ARSG) developed the *ARSG Timeline for Reducing Metals Loading in the Upper Animas River Basin* and more than two years since the ARSG Timeline’s Target for the implementation of the “Preferred Solution” to further improve Animas River water quality. EPA’s Gold King Incident and conflict-driven conduct since the Incident has caused shocking delay. Any more delay is unacceptable.

2. Focus on the Cement Creek Adits. As noted by the ARSG *“Reduction of metal loading from [the Cement Creek adits] . . . clearly is the overwhelming opportunity to improve water quality in the Animas River downstream of Silverton.”* As succinctly stated by William Simon, a founding member ARSG

If measurable improvements to water quality and aquatic habitat are important goals, then the EPA needs to put their money toward making major reductions in metal loading that can only be achieved by addressing the major draining mine sources located near Gladstone . . . The Gladstone draining mines are where the problem lies and where significant achievements can be attained.

Focusing on the Cement Creek adits will improve water quality to historically high levels and improve the Animas River fishery downstream from Silverton.

3. Run the Gladstone Plant at Capacity. It is unconscionable that EPA has for over four years run the Gladstone Plant at a fraction of capacity, bypassing hundreds of millions of gallons of metals laden waters into a tributary of the Animas River. According to EPA's experts, the Gladstone Plant was designed with capacity to treat flows from the Red & Bonita, Mogul, Grand Mogul and American Tunnel, in addition to the Gold King. Running the Plant at capacity would materially improve water quality, and must commence immediately.

4. Close the Red & Bonita Bulkhead. The Red & Bonita bulkhead must be closed. As noted by the State of Colorado "*Bulkhead installation in mines that are determined to be good candidates has the potential to significantly reduce metal loading to receiving streams.*" This has been demonstrated by the successful bulkheading undertaken by SGC. As demonstrated by decades of water quality sampling, SGC's construction of engineered concrete bulkheads played a key role in the water quality improvements achieved by SGC.

5. Stop Wasteful Investigations and Projects. As stated by a noted commentator, EPA's approach of endless study "*...is not acceptable to anyone, other than federal bureaucrats*" and "*EPA...needs to put an end to conducting additional time-consuming studies that are redundant or unnecessary given the decades of study that have already been conducted.*" EPA's Interim Record of Decision projects, which are being pursued over objections from the community and will admittedly result in no discernable benefit to the environment, are examples of the type of projects that must cease.

6. Quickly Remove Sites from the Listing as Appropriate. In order to distract the focus from the Gold King Mine, EPA's Superfund listing covered over 100,000 acres, including 48 separate sites. Many of these sites should never have been listed. Sites that should not have been listed should be immediately removed from the listing, and other sites should be promptly delisted as warranted.

7. The Lead Agency Must Act Transparently. Going forward, the lead agency should act in a transparent manner. Among the first steps should be to: 1) complete the short October 17, 2019 Questionnaire about the Kittimac Facility that EPA has affirmatively refused to answer; and 2) answer the questions about Mayflower drilling contained in my letter to EPA dated November 11, 2019.

8. EPA Must Step Aside as Lead Agency. It has long been recognized that EPA has a problematic conflict of interest because of its culpability for the Gold King Incident. Early on, the State of New Mexico noted

The BPMD Site is like no other superfund site in existence because a major portion of the contamination at the proposed site was directly caused by...EPA's misconduct at the Gold King Mine. If the BPMD site is ultimately placed on the NPL, EPA's own liability for what happened prior to, during, and after the GKM release will affect EPA's decisions concerning the cleanup of the upper Animas River Basin.

More than four years of EPA delay, waste and mismanagement clearly demonstrate that EPA's conflict of interest has rendered it incapable of properly managing the Site. Water quality is too important to allow this to continue, and EPA must immediately step down as Lead Agency.

We believe that a strategy based upon these eight pillars will result in further improvement of water quality.

Sincerely,



Kevin Roach

Director, Reclamation Operations