



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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July 5, 2022

Sent via electronic mail (Larry.Fiske@Newmont.com)

Mr. Larry Fiske, Director of Legacy Sites
Idarado Mining Company
6900 East Layton Avenue, Suite 700
Denver, Colorado 80237

Re: General Notice Letter for the San Miguel Fluvial Tailings Site
Telluride, San Miguel County, Colorado

Dear Mr. Fiske:

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal “Superfund” law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. The EPA has documented that such a release has occurred at the San Miguel Fluvial Tailings Site (Site). Please see Attachment 1: Fluvial Tailings Map, which depicts the tailings piles outlined in red, near Society Turn, Telluride, Colorado. The EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to the EPA, the EPA has determined that Idarado Mining Company may be responsible under CERCLA for cleanup of the Site or for costs the EPA has incurred in cleaning up the Site.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can demonstrate divisibility or assert one of the statutory defenses. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, the EPA believes that Idarado Mining Company may be liable under Section 107(a) of CERCLA with respect to the San Miguel Fluvial Tailings Site, as a current or previous owner and/or operator of the Site or as a person who disposed of hazardous substances found at the Site. As a result of upstream mineral processing activities, related to mining (including mining activities by the Idarado Mining Company) for a variety of metals in the upper basins of the watershed for over 100 years beginning in the 1860s, fluvial mill tailings were deposited within the floodplain and along the

banks of the San Miguel River during both normal seasonal flow and flood events. To date, the EPA has not identified any other potentially liable parties for the Site.

To date, the EPA has taken response action at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

- In late summer 2021, the EPA conducted a removal site evaluation (RSE) to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases from the Site. Nine samples (eight composite and one grab) were taken from the Site based on visual appearance of tailings.
- In late fall of 2021, analytical results confirmed that the tailings contained high levels of lead and arsenic. See enclosed Attachment 2: Aliquot Sampling Locations for reference of the chart below.

Location	Matrix	Collection	Sample Depth To	Depth Units	Arsenic	Lead	Result Units
ST-2	Soil_SubSurface	Composite	2	ft_bgs	971	8961	PPM
ST-2	Soil_SubSurface	Composite	4	ft_bgs	604	7169	PPM
ST-1	Soil_Surface	Composite	2	ft_bgs	548	6684	PPM
ST-1	Soil_SubSurface	Grab	4	ft_bgs	440	9348	PPM
NT-3	Soil_Surface	Composite	2	ft_bgs	884	5986	PPM
NT-3	Soil_SubSurface	Composite	4	ft_bgs	492	6551	PPM
NT-2	Soil_Surface	Composite	2	ft_bgs	710	5883	PPM
NT-2	Soil_SubSurface	Composite	4	ft_bgs	544	4275	PPM
NT-1	Soil_Surface	Composite	2	ft_bgs	1545	9770	PPM

The tailings at the Site pose a threat to human health and the environment. The EPA would appreciate promptly arranging a meeting to discuss potential response options at the San Miguel Fluvial Tailings Site. Please give these matters your immediate attention and consider consulting with an attorney.

If you have any questions regarding this letter, please contact Max Greenblum, the Site attorney, at (303) 312-6108 or Greenblum.Max@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

Christopher Thompson
Associate Regional Counsel for Enforcement

Enclosures: Site Map & Sampling Locations

cc: Joni Sandoval, EPA
Max Greenblum, EPA
Devon Horntvedt, Idarado
Scott Hardt, DGS
Ross Davis, CDPHE
Doug Jamison, CDPHE