

**From:** [Davis - CDPHE, Ross](#)  
**To:** [Sandoval, Joni](#); [Pamela Hall](#)  
**Cc:** [mark.rudolph@state.co.us](mailto:mark.rudolph@state.co.us); [Doug Jamison](#)  
**Subject:** Re: Written Explanation  
**Date:** Monday, June 27, 2022 12:55:35 PM  
**Attachments:** [image001.png](#)

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Hello All,

Thanks for articulating everything in an email. I agree with everything that has been stated. In fact, I will say that CDPHE prefers that EPA continue on their charted path to address the Lawson Hill tailings. As indicated, the responsible party will be granted the opportunity to conduct the work themselves, but if they decline, I encourage Lawson Hill board members and residents to communicate with EPA at a frequency that is satisfactory to everyone.

If anyone has any questions regarding Idarado, then I am happy to address any questions.

Thank you to everyone for the clear communication.

Ross

On Mon, Jun 27, 2022 at 11:05 AM Rudolph - CDPHE, Mark <[mark.rudolph@state.co.us](mailto:mark.rudolph@state.co.us)> wrote:

Joni, thanks for sending this out. Pam, I did get your voicemail message over the weekend but I am on annual leave all week and will be unable to talk with your Lawson Hill board. I will respond to this email though on Joni's topics. Pam, yes Doug Jamison (cc'd here) is both Ross and my supervisor. After your and my initial conversation and talking with the Lawson Hill board, I briefed Doug on my call with the Board. He indicated to me that CDPHE had made a request a month or two earlier to EPA to address these Lawson tailings deposits. He further indicated that there is a potential that Idarado Mining has potential liabilities, and that CDPHE would not be able to provide grant funding when there is a potentially liable party. In essence, Joni has the summary correct, we are unable as stewards of these funds, to bail any company of their liabilities. IF the Lawson Hill Association wanted to pursue a VCUP on their own funding, that would be feasible but costly on your end. Also, if there were to be future damages to the reclaimed work, it would be the responsibility of the Lawson Hill Association to make the necessary repairs. I hope this helps to you and your board

Thanks

Mark

On Fri, Jun 24, 2022 at 5:15 PM Sandoval, Joni <[Sandoval.Joni@epa.gov](mailto:Sandoval.Joni@epa.gov)> wrote:

Hi Pam – These are the main points we discussed and I've cc'd the State for transparency so we are all on the same page. State comrades, please comment if I have mis-represented anything or you have info to add.

- Mark Rudolph didn't realize the State (Ross Davis and his boss, Doug Jamison) requested EPA assistance. The State didn't have the resources when the County and

Community requested their assistance and the Idaho Administrative On Consent Order work on the Valley Floor had commenced, however the EPA was actively working on the Valley Floor and it made sense for us to incorporate the Lawson Hill Tailings Site, concurrently. EPA and the State work together in this manner routinely. Once the State or Feds take the lead, the other agency typically turns into a support role.

- There is a suspected responsible party (RP) here and the way CERCLA (law) works is the polluter or RP is given the opportunity to conduct the work first (this is because otherwise these cleanups are paid for with tax payer money which isn't ethical if there is a viable RP). The RP would have to submit a work plan to EPA for approval, and oversight of the cleanup would be performed. If they are not capable of conducting the work, EPA would conduct the work and potentially cost recover. They declined to do the work on the Valley floor due to a lack of resources. We have just started enforcement discussions with them regarding the Lawson Hill Tailings. Info will be shared as it develops with the stakeholders.
- I didn't say the State was stepping on toes. They actually asked EPA to take the lead. As public servants, it is not a good use of tax payer dollars to have us both conducting work and not coordinating with each other. The EPA and State have met since Mark spoke to you and the decision to continue with EPA in the lead was agreed to and as mentioned above enforcement discussions are now being started.
- I agreed to be the Lead Federal On-Scene Coordinator and have determined there is a threat to human health and the environment so a timely action will need to occur.
- I stated I'm willing to work with the community on assessing different cleanup options and am open to hearing concerns and make concessions where I could as long as the proposals were feasible and protective to human health and the environment.
- I'm committed to work with you within the laws and authorities I'm required to abide by.
- This project is separate from the Valley Floor and I have a bit more flexibility given this isn't a joint action with the USFS and EPA conducted the assessment.
- I am not familiar with the State VCUP program and so questions about that should be directed to them. The potential concerns I can think of and may have mentioned could be liability protection, ethical implications of using tax payer funds when there is a potential RP, and the cleanup would require oversight and have to be just as protective as whether the RP or EPA conducted it, etc.

Thanks Pam and we will work to address the community concerns and provide as much information as possible. Look forward to future discussions and stakeholder collaboration as we navigate thru the CERCLA process.

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**From:** Pamela Hall <[lawsonhill@gmail.com](mailto:lawsonhill@gmail.com)>  
**Sent:** Friday, June 24, 2022 3:29 PM  
**To:** Sandoval, Joni <[Sandoval.Joni@epa.gov](mailto:Sandoval.Joni@epa.gov)>  
**Subject:** Written Explanation

Hi Joni,

Thank you for your call the other day. Could you provide me with a brief written explanation of why we are not able to consider all options with regards to cleanup of the tailing, specifically the CDPHE VCUP. Mark never indicated in our previous discussions that we may be restricted or stepping on toes. I have a board meeting on Wednesday and would really like the explanation written so I do not have to try to explain the different relationships between the State and EPA. I know you mentioned Ross Davis and maybe Mark having the same boss. I'd like to get the story straight and not speaking incorrectly to the board. I think it could be brief.

Thank you,

Pam



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I am currently working from home and can be reached at 720-355-4488

Ross Davis  
Environmental Protection Specialist



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