



REGION 8
DENVER, CO 80202

August 8, 2024

Ref: 8SEMD-EMB

Via Email

Ms. Katrina Hettinger
Front Range Abandoned Mine Restoration Project Manager
Trout Unlimited, Inc.
Idaho Springs, Colorado 80452
katrina.hettinger@tu.org

Re: Orphan Boy Abandoned Mine Lands Project
Mosquito Pass Road, between Alma and Fairplay, Colorado

Dear Ms. Hettinger:

I have reviewed and approved your July 15, 2024 work plan and am including the Applicable or Relevant and Appropriate Requirements (ARARs) table for the performance of work at the Orphan Boy Abandoned Mine Lands Site (Site), located between Alma and Fairplay in Park County, Colorado. The work involves mine waste stabilization and stream channel restoration described in the work plan as follows:

- Mobilize/Demobilize
- Grade, consolidate, cap and revegetate the mine waste pile
- Install surface water controls and run-on channels
- Install a low-water crossing

Trout Unlimited (TU) seeks to limit its potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as provided in Section 107(d)(1), 42 U.S.C. § 9607(d)(1), by ensuring the work performed at the Site is consistent with the National Contingency Plan (NCP), 40 C.F.R. Part 300, et seq., and at the direction of an On-Scene Coordinator. The work will be consistent with the NCP if performed in accordance with the July 15, 2024 work plan you provided and that I have approved.

As documented in the Administrative Record for this Site, and guided by 40 C.F.R. § 300.415(j), EPA has determined that attainment of water quality standards as a result of the work is not practicable

considering the exigencies of the situation and the limited scope of the removal action to be conducted.

If you should choose to volunteer to perform cleanup at this Site, I, the On-Scene Coordinator, direct you to:

- Perform the work in accordance with the July 15, 2024 work plan;
- Commence the work by October 1, 2024;
- Provide the name and the contact information for the individual who will serve as the main person to oversee the implementation of the project plan in the field;
- Provide the work schedule at your earliest opportunity;
- Work with the Site's property owner to provide EPA Consent for Access in the attached format by September 1, 2024 and provide EPA with reasonable access to the Site during work implementation; and
- Inform EPA in writing when the work has been completed.

In the event that a third party brings or threatens to bring a CERCLA contribution lawsuit against you, EPA will be prepared to discuss with TU entering into a Good Samaritan settlement agreement, if appropriate, providing for, among other things, protection from contribution suits. You can find the model Good Samaritan settlement agreement and order on consent at:

<http://www.epa.gov/enforcement/interim-guidance-cercla-administrative-tools-good-samaritans-orphan-mine-sites>.

Thank you for TU's voluntary actions in this matter. If you have any questions or need further assistance, please contact me at mccomb.martin@epa.gov or by phone at 720-413-9190.

Sincerely,

Martin McComb
Federal On-Scene Coordinator
Emergency Management Branch

Enclosure:

Applicable or Relevant and Appropriate Requirements (ARARs) Table
Work Plan dated July 15, 2024
EPA Consent for Access Form

cc: Amelia Piggott, U.S. EPA R8 Office of Regional Counsel