



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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February 19, 2016

Ref: 8EPR-SA

The Honorable Manuel Heart  
Chairman  
Ute Mountain Ute Tribe  
P.O. Box JJ  
Towaoc, Colorado 81334-0188

Dear Chairman Heart:

The United States Environmental Protection Agency is considering proposing the Bonita Peak Mining District in San Juan County, Colorado, on the Superfund National Priorities List (NPL), pursuant to its authority under Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9605. The NPL contains a list of high-priority sites, which have releases of hazardous substances, pollutants or contaminants that require long-term remedial evaluation and response.

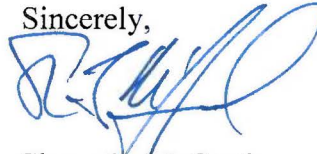
It is the EPA's policy to determine the state's position on sites that the EPA is considering placing on the NPL. The EPA is seeking the concurrence of the state of Colorado on adding the Bonita Peak Mining District to the NPL and has requested a response from the Governor by February 29, 2016.

We are aware of your Tribe's interest in this possible listing. Should the Bonita Peak Mining District be proposed for addition to the NPL, there would be a notice published in the Federal Register. Following that notice, there would be a 60-day public comment period during which your Tribe could provide input on the proposed listing.

The Bonita Peak Mining District consists of 48 historic mines or mining-related sources where ongoing releases of metal-laden water and sediments are occurring within Mineral Creek, Cement Creek and the Upper Animas. These drainages join to form the Animas River near Silverton, Colorado, which is used for drinking water, recreation, and agricultural purposes. Assessment work completed by the state of Colorado, the United States Geological Survey, the EPA and the Animas River Stakeholders group was used to identify these sources as significant contributors of metals found in the surface water and sediments throughout the mining district and the Animas River. Based on historic information for 32 of the mine sites, there are an estimated 248,000 cubic yards of waste rock and a cumulative estimated adit flow of approximately 3,740 gallons per minute or 5.4 million gallons per day. Contaminants found in these sources and in the surface water include arsenic, cadmium, copper, manganese, zinc, lead and aluminum. These contaminants impact fisheries that are harvested for human consumption, as well as wetlands and habitat for the threatened Canadian Lynx.

The EPA is committed to working cooperatively with your Tribe throughout the NPL listing process and subsequent Superfund cleanup, ensuring that the EPA's actions are conducted in an open and transparent manner. If additional information is needed or if you would like to discuss this site being proposed to the NPL, please contact me, or your staff may contact Martin Hestmark, Assistant Regional Administrator, Office of Ecosystems Protection and Remediation, at (303) 312-6776.

Sincerely,



Shaun L. McGrath  
Regional Administrator

Enclosure

cc: Scott Clow, Environmental Director, Ute Mountain Ute Tribe