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ONE HUNDRED TENTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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CHAIRMAN

February 18, 2008

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The Honorable Stephen Johnson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Johnson:

We write to request immediate action by the Environmental Protection Agency (EPA) under the authority vested by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et. seq., to avert a potential catastrophe that poses threats to human health and the environment, as well as the drinking water supplies in and around the Leadville Colorado Mine Drainage Tunnel, which is part of the California Gulch Superfund Site located in Leadville, Lake County, Colorado. The United States Bureau of Reclamation (BOR) purchased the mine in 1959.

According to Resolution No. 08-05 passed by the Board of County Commissioners of Lake County, Colorado, on February 13, 2008, declaring an "emergency disaster situation" under Colorado law, there is estimated to be more than 1 billion gallons of contaminated mine pool water in the drainage tunnel that could overflow from the tunnel into the Arkansas River. CNN reports that officials have indicated that situated just outside of the tunnel's portal is a mobile home park with 300 residents. This threat of release of contaminated water is further exacerbated by the above normal snowpack that is accumulating in Colorado's high country that, according to the Lake County Resolution, is estimated to be 168 percent above normal. Colorado Governor Bill Ritter, in a letter to President Bush dated February 15, 2008, stated that "When spring arrives, large quantities of additional water will infiltrate into the mine, increasing the underground lake's elevation and head and raising the risk of a catastrophic event." In addition to the human health and environmental impacts, Governor Ritter also indicates his concern that the release of billions of gallons of contaminated water will "threaten the drinking water supplies for a half million people."

Unfortunately for the 2,700 people of Leadville, Colorado, this appears to be yet another glaring example of the consequences that result from this Administration's roll back of the Superfund program and the Federal agencies' complete abdication of their delegated duties to clean up these sites. The California Gulch Superfund Site was placed on the National Priorities List (NPL) more than 20 years ago, in 1983. In 1994, EPA began the process of cleaning up the Site by dividing it into 12 Operable Units with the Leadville Mine Drainage Tunnel designated as part of Operable Unit 6. Tests have shown that the water in and around the area of the mine contains high levels of heavy metals, including lead, zinc, arsenic, nickel, mercury, chromium, and cadmium.

EPA has publicly acknowledged the potential threat that this Leadville Mine Drainage Tunnel poses. According to EPA's *Third Five-Year Review Report* for the Site, published on September, 28, 2007, clean up of this Operable Unit is still not complete. EPA states that there has been a "delay in establishing control of the Mine Pool" and further concludes that this will result in the current and future protectiveness of the remedy being potentially threatened. In a letter dated November 8, 2007, to BOR, EPA expressed its concern about the unknown condition of the tunnel blockages and large volume of contaminated water that was present in the mine pool. In addition, to the risk of sudden water release into the Arkansas River and contaminated water seeping into the groundwater, EPA indicated that all of these releases would adversely affect the remedial work.

Given the apparent urgency of the situation, the lack of action by all of the Federal Agencies involved, we respectfully request that EPA take immediate and appropriate action under CERCLA. Additionally, please provide us with the following information:

1. The nature and extent of the potential blockage in the Leadville Mine Drainage Tunnel;
2. The likely impacts of a sudden release of contaminated water from the drainage tunnel on the California Gulch Superfund Site, its surrounding area, and the Arkansas River;
3. The impact of drinking water supplies in the affected area;
4. The status of implementation of the Record of Decision (ROD) for Operable Unit 6;
5. An explanation of why BOR and EPA have failed to implement the ROD; and
6. What future actions EPA will take to address the remediation of Operable Unit 6.

The Honorable Stephen L. Johnson  
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We respectfully request your response to the Committee's request for information within one week of receipt of this letter. If you have any questions or need further information regarding this request, please contact us or have your staff contact Karen E. Torrent with the Committee on Energy and Commerce at (202) 225-2927 or Steve Plevniak with the office of Representative DeGette at (202) 225-4431.

Sincerely,



John D. Dingell  
Chairman



Diana DeGette  
Vice Chairman