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March 4, 2008

The Honorable Dirk Kempthorne
Secretary
Department of the Interior
1849 C Street, NW
Washington DC 20240

The Honorable Stephen L. Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington DC 20460

Dear Secretary Kempthorne and Administrator Johnson:

This morning I had a productive meeting with Bureau of Reclamation Commissioner Bob Johnson regarding the collapsed Leadville Mine Drainage Tunnel (LMDT) in Lake County, Colorado. As you are likely aware, the residents and elected officials of Leadville and the surrounding area are extremely concerned about the pool of toxic water swelling behind the blockage and the threat it poses to Leadville and the Arkansas River. Commissioner Johnson assured me that the Bureau of Reclamation (BOR) is working as expeditiously as possible in partnership with the regional Environmental Protection Agency (EPA) office to begin pumping and treating water from the tunnel's mine pool. I am grateful to him and to both of you for the swift response by the BOR and the EPA to alleviate pressure on the tunnel blockage.

Last week I introduced legislation (The Leadville Mine Drainage Tunnel Environmental Improvement Act, S.2680) that focuses on achieving a long term solution for the LMDT. Coherent federal action to address the LMDT has long been stymied by jurisdictional questions related to EPA's remedy contained in the California Gulch Superfund Site Record of Decision for Operational Unit (OU) 6. The OU6 remedy includes the necessary work to maintain the LMDT mine pool at safe levels, yet the existing federal statute (P.L. 102-575) arguably fails to authorize BOR to treat water from the mine pool at its LMDT water treatment plant. The purpose of my bill is to resolve this situation by providing the Bureau with the authority and funding it needs to implement the long-term remedy for the LMDT that has been approved by the EPA and the Colorado Department of Public Health and Environment (CDPHE), and vetted through public meetings.

The Bureau has made it clear that it would prefer to have the State take possession of the LMDT and assume responsibility for operation and maintenance of the nearby water treatment plant. Previous settlement negotiations between EPA, BOR, and the State were unsuccessful, however. I urge you to redouble your efforts to negotiate a mutually

acceptable resolution of BOR's legal liability under CERCLA (as the owner of the LMDT) for the remedy selected for OU6 – presumably in the form of a consent decree between BOR, EPA and the State of Colorado.

I have asked Sens. Bingaman and Johnson to hold a hearing on my bill in April and to invite BOR and EPA to testify. I request that you direct your respective agencies to work together and with the State and local elected officials to eliminate any impediments to achieving a long-term solution for the LMDT. The surrounding communities and the thousands of citizens who depend on the Arkansas River for their water deserve clarity and certainty from the BOR and the EPA. I look forward to commencing a dialog with you both on this critical issue.

Sincerely,



Ken Salazar
United States Senator