

Ginn Battle North, LLC

Response to Comments

**received in regards to the
Colorado Department of Public Health and Environment and U.S. Environmental
Protection Agency's comments on the
Remediation Feasibility Study,
Bolts Lake Area and Areas within OU-1 of Eagle Mine Site**

March 8, 2007

Introduction

The following is Ginn Battle North, LLC's ("Ginn Battle North") Response to Comments ("Responses") that have been prepared to address comments received on March 2, 2007, from the Colorado Department of Public Health and Environment ("CDPHE") and U.S. Environmental Protection Agency ("EPA") in response to the Remediation Feasibility Study ("FS") for the North Property, dated February 16, 2007. The FS was prepared by Environmental Resources Management ("ERM"). A remediation feasibility study describes the procedures for identifying and screening potentially applicable technologies, for selecting and combining these technologies into remedial alternatives, and for evaluating and selecting a remedial alternative as the preferred corrective action measure for the North Property.

Comments were received from the CDPHE and EPA, and the Responses to these comments are listed below. After each individual comment, the Response of Ginn Battle North is provided in italics. The FS was revised based on the comments received. Language added to the FS to address the specific comments is included within each appropriate Response in quotes. Also, the section and page number of the FS on which the revised language may be found is provided within each Response.

The Eagle Mine Superfund Site ("Eagle Mine Site") was classified as a Superfund site in 1986, and in 1988 the state of Colorado, through CDPHE, and the previous mine owner/operator, Gulf + Western Industries, entered into a Consent Decree to conduct remedial actions. In 1993, the EPA identified additional site investigation and remedial actions to be implemented at the Eagle Mine Site; and in 1995 the EPA, CDPHE, and Viacom International, Inc. ("Viacom"), successor to liability at the Eagle Mine Site, entered into a subsequent Consent Decree. Remediation activities at the Operable Unit-1 ("OU-1") of the Eagle Mine Site have included: removal of tailing materials from the Old Tailings Pile, Rex Flats and Maloit Park areas to the Consolidated Tailings Pile ("CTP"); construction of the Water Treatment Plant and a lined sludge pond; capture and treatment of ground water; capping the CTP; ground and surface water monitoring; and revegetation of disturbed areas. Operation and maintenance of remediation systems at the OU-1 area of the Eagle Mine Site continues today, and is the responsibility of Viacom. Soil and ground water beneath these areas were not remediated and are potentially impacted by the former tailings placement.

Environmental investigations were conducted at the North Property by ERM on behalf of Ginn Battle North in 2005 and pursuant to the "Final Work Plan for Site Investigation of Bolts Lake and Eagle Mine Site OU-1 Development Areas, Battle Mountain North Development", dated July 6, 2005 ("Final Work Plan"), and approved by EPA and CDPHE. A detailed description of the background of the Eagle Mine Site and its current condition is presented in the Final Work Plan, *and is not reproduced herein*. The reader is directed to that document for a description of key terms, the EPA and CDPHE review process, and the project scope.

The Final Feasibility Study

The Final FS was distributed to CDPHE and EPA on March 8, 2007, and will be placed in the Eagle Mine Site public repository in the town of Minturn.

Thank You

Ginn Battle North appreciates all of the time CDPHE and EPA took to review and provide comments on the FS.

CDPHE & EPA

**Colorado Department of Public Health and Environment (“CDPHE”) and U.S.
Environmental Protection Agency’s (“EPA”)
Comments on the Remediation Feasibility Study (“FS”)
of Bolts Lake Area and Areas within OU-1 of Eagle Mine Site**

Comment 1: Page 10, Section 1.1 last paragraph: We have confirmed that the Town of Minturn does not currently use the wells that were replaced during the original remedial action. We are in the process of determining whether or not the old wells have been abandoned. Please delete “although the original wells are still used today (EPA, 1993).”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 10 and is presented below.

Page 10: “The Minturn drinking water wells were later moved to a location “upgradient from any influence from CTP groundwater” (CDPHE, 2005A).”

Comment 2: Page 11, Section 1.2, first paragraph at top of page 11: Please delete the last sentence in this paragraph, which reads “Soil and ground water beneath these areas were not remediated and are potentially impacted by the former tailings placement.” This statement contradicts the first part of the paragraph, which explains that soils were excavated and ground water is being treated.

Response: We acknowledge this comment and have revised the FS. The language was removed and the revised paragraph is included on page 11 and is presented below.

Page 11: “Remediation activities at the OU-1 area have included removal of tailing materials from the OTP, Rex Flats, Roaster Pile #5, and Maloit Park areas to the CTP; construction of the WTP and a lined sludge pond; capture and treatment of ground water; capping the CTP; CTP erosion and settlement monitoring; ground and surface water monitoring; and revegetation of disturbed areas. Operation and maintenance of remediation systems at the OU-1 area of the Eagle Mine Site continues today, and is the responsibility of CBS Operations, Inc. (“CBS”), successor to liability at the Eagle Mine Site.”

Comment 3: Page 27, Section 1.6: Delete “were developed using the same assumptions as in the forward risk assessment” and replace with “were developed as documented in Appendix C of the HHRA. For arsenic, the RG was developed based on:”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 27 and is presented below.

Page 27: “Site-specific RGs were developed as documented in Appendix C of the HHRA (ERM, 2007). For arsenic, the RG was developed based on:”

Comment 4: Page 43, Section 2.4.2, 1st paragraph: Surface water is included in the list as posing the “greatest risk to human health.” This is inconsistent with the HHRA results, therefore, please delete surface water from the list.

Response: We acknowledge this comment and have revised the FS to delete surface water from the list. The revised language is included on page 43 and is presented below.

Page 43: “The risk assessment prepared for Ginn Battle North as discussed in Section 1.8, determined that dermal, ingestion, and inhalation exposure to COCs from soils, tailings, and boulders will pose the greatest risk to human health for the proposed future reuse of the North Property.”

Comment 5: Page 43, Section 2.4.2, 2nd paragraph: Rewrite paragraph as: “These receptors were used when determining the site-specific PRGs discussed in section 2.5. To prevent exposure, the FS evaluates methods that will reduce dermal, ingestion, and inhalation exposure for all receptors. This RAO will apply to the CTP, the OTP, Rex Flats, and Roaster Pile #5.”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 43 and is presented below.

Page 43: “These receptors were used when determining the site-specific PRGs discussed in section 2.5. To prevent exposure, the FS evaluates methods that will reduce dermal, ingestion, and inhalation exposure for all receptors. This RAO will apply to the CTP, the OTP, Rex Flats, and Roaster Pile #5.”

Comment 6: Page 57, Section 3.4.1, GRA #1: Add the following to this paragraph: “The No Action Alternative does not alter on-going activities, including operation, maintenance and monitoring, currently being conducted by CBS at the site as part of the original remedial action.”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 57 and is presented below.

Page 57: “GRA #1 - No Action was retained as required by the NCP for use as a baseline comparison against other technologies. The No Action alternative requires no human intervention for clean-up. For the No Action alternative, natural restoration is the only means of addressing the impacted materials, tailings, and boulders. Natural restoration may involve one or more processes that effectively reduce contaminant

toxicity, mobility, or volume. These processes include biosorption, bioaccumulation, reduction, and precipitation of contaminants. Additionally, this GRA can include deed restrictions and access controls to prevent further development or access to the Eagle Mine Site. The No Action Alternative does not alter on-going activities, including operation, maintenance and monitoring, currently being conducted by CBS at the site as part of the original remedial action.”

Comment 7: Page 60, Effectiveness, 1st paragraph: Change “effected” to “effective.”

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 60 and is presented below.*

Page 60: “However, capping is not effective in preventing ground water entering the North Property, passing through the impacted materials, and traveling to the Eagle River.”

Comment 8: Page 61. Screening decision: This paragraph is inconsistent with Table 5, which shows that double liners were retained, and concrete cap was screened out. Please correct the text as needed.

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 62 and is presented below.*

Page 62: “All capping processes evaluated were retained with the exception of the concrete cover outside of building footprints. Although the concrete cover was retained in specific areas (see Table 5), the concrete cover was not retained in areas outside of building footprints because the concrete cannot be poured directly over impacted material and a base must be placed (Table 5). Also, the concrete is not effective in areas where the base cannot be placed due to the elevation (i.e. too steep) of the terrain. The use of single-liner systems, ET cover, and concrete caps, where a base and buildings are placed, is consistent with the proposed future reuse of the North Property. Locations where such capping technologies are installed will vary at the North Property based on future land reuse as discussed in Section 2.3.”

Comment 9: Page 63, Implementability: Add: “Coordination with CBS will be required prior to CDPHE and EPA authorizing the use of the sludge cell for disposal of excavated materials.”

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 63 and is presented below.*

Page 63: “Hauling impacted materials off site for disposal will make implementation of this technology more difficult, but there are landfills in the vicinity of the North Property that may be permitted to accept the materials. Based on the location of the appropriate

landfill, the time for hauling material will increase and the trucking routes will be longer. This time will increase implementation of this action. Coordination with CBS will be required prior to CDPHE and EPA authorizing the use of the sludge cell for disposal of excavated materials.”

Comment 10: Page 67, Interceptor Trenches: After the sentence: The trench will be installed from the ground surface to approximately 3-feet below the surface of the ground water. “Final depths for the trenches will be determined during the Remedial Design process.”

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 67 and is presented below.*

Page 67: “The trench will be installed from the ground surface to approximately 3-feet below the surface of the ground water. Final depths for the trenches will be determined during the Remedial Design process.”

Comment 11: Page 72, 1st paragraph: Change the last sentence to add the underlined text “EPA and CDPHE could authorize the utilization and/or modification of the existing water treatment plant under the OU-3 Record of Decision for the Eagle Mine Site.”

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 72 and is presented below.*

Page 72: “EPA and CDPHE could authorize the utilization and/or modification of the existing water treatment plant under the OU-3 Record of Decision for the Eagle Mine Site.”

Comment 12: Page 73, Screening Decision: Please add “Although the use of the existing water treatment plant has been screened out for the purposes of this FS due to concerns about implementability, this option may still be considered in the Remedial Design if an agreement can be reached with CBS, plant capacity is determined to be adequate and/or minor modifications can be made to the existing plant to accommodate the increased demand.”

Response: *We acknowledge this comment and have revised the FS. The revised language is now on page 74 and is presented below.*

Page 74: “These units can be housed in a treatment building near the existing treatment plant, thus protecting them from seasonal weather change. Although the use of the existing water treatment plant has been screened out for the purposes of this FS due to concerns about implementability, this option may still be considered in the Remedial Design pursuant to an agreement with CBS, plant capacity is determined to be adequate and/or minor modifications may be made to the existing plant to accommodate the increased demand.”

Comment 13: Page 74, GRA #7, 2nd Paragraph, last sentence: Change “pumps” to “system”.

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 74 and is presented below.

Page 74: “These materials will be removed from the pipeline and disposed with the tailings materials excavated from the rest of the site, at either Rex Flats or the CTP disposal repositories. The existing mine dewatering system and water treatment plant are not included within the scope of this FS.”

Comment 14: Page 75, 1st paragraph: Delete the sentence that states “Dismantling and/or demolition of the trestle is required in order to perform the remedial activities required at the site.”

Response: We acknowledge this comment and have revised the FS. The sentence was removed regarding dismantling of the trestle and the revised language is included on page 75 and is presented below.

Page 75: “This option will consist of two parts. The first is the demolition of the existing pipeline and trestle, and the second part is the excavation and removal of the concrete trestle footings. Further, the trestle timbers are impacted with metal sulfides crystals of arsenic and pyrite that exceed human health RGs. Also, the wire wrap and original wood staves on large sections of the trestle are in a state of disrepair and present a health and safety hazards. For the purposes of site planning, off-site disposal has been assumed in the FS since this option is known to be available as the trestle materials are a solid waste. Off-site disposal at a solid waste landfill could be performed at many permitted solid waste disposal sites with the dedication of a special cell for the disposal of these materials, however, there are several other management options being considered for the trestle materials after dismantling and / or demolition. These are:”

Comment 15: Page 76, Implementability: Add “Coordination with CBS will be required prior to CDPHE and EPA authorizing the demolition of the existing pipeline.”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 76 and is presented below.

Page 76: “HDPE pipe and fittings will be installed for the temporary pipeline and new double-lined HDPE pipelines, which are compatible with COCs in the mine water. Coordination with CBS will be required prior to CDPHE and EPA authorizing the demolition of the existing pipeline.”

Comment 16: Page 77, Zoning Ordinances: Change “city of Minturn can use its” to “local land use authorities can use their”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 77 and is presented below.

Page 77: “Zoning Ordinances: Local land use authorities can use their zoning authority to manage construction and/or reuse of the North Property.”

Comment 17: Page 81, Section 4.1.1, end of 1st: Add the underlined text as follows: “In a similar manner, EPA, through a public meeting and public comment period on the Proposed Plan, receives comments. . . .

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 81 and is presented below.

Page 81: “In this regard, EPA typically requests State comments and takes into consideration the State's acceptance of EPA's proposed remedial action alternatives. In a similar manner, EPA, through a public meeting and public comment period on the Proposed Plan, receives comments on the community acceptance of the remedial action alternatives.”

Comment 18: Page 84, 1st paragraph: Change “sufficiently” to “sufficient”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 84 and is presented below.

Page 83: “An ET cover of sufficient thickness to manage water will be placed over the impacted materials remaining in place and will consist of clean fill soil.”

Comment 19: Page 85: Alternative 8 change “alterative” to “alternative”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 85 and is presented below.

Page 85: “**Alternative 8: Demolition of Structures**
This remedial action alternative involves the demolition of the existing Mine Water Transport Pipeline and trestle system, which transports water from the Eagle Mine to the water treatment plant located at the CTP, and the former mine tailings slurry pipeline south of the OTP.”

Comment 20: Page 90: Suggested change to add underlined text as follows: “however, use of private haul roads and/or the railroad to move materials. . . .” Same change would apply to pages 99, 104, 110, 116, 120, 125, 131. [These changes should be made if use of the railroad is a realistic possibility.]

***Response:** We acknowledge this comment and have revised the FS. The revised language is identical on pages 90, 99, 104, 110, 116, 120, and 125 and is presented below. Additionally, the revised language on page 131 is included and is also presented below.*

Page 90, 99, 104, 110, 116, 120, and 125: “Additionally, higher truck traffic may increase incidents of vehicular accidents and incidental taking of wildlife near the property; however, the use of private haul roads and/or the railroad to move materials, equipment, and excavated soils on site will mitigate these impacts.”

Page 131: “Additionally, construction and use of private haul roads and/or the railroad for moving impacted materials, cover soil, equipment, and supplies will limit vehicle traffic on public roadways near the North Property and minimize the potential for vehicle accidents and incidental taking of wildlife.”

Comment 21: Page 101, Section 4.5.6: RAO 3 refers to “concrete cap”, it should be “ET cap”

***Response:** We acknowledge this comment and have revised the FS. The revised language is included on page 101 and is presented below.*

Page 101: “RAO 3: (Prevent, to the extent practicable, further degradation of surface water quality in the Eagle River. Assure shallow ground water discharges into the Eagle River do not present unacceptable risks to human health or the environment) would be achieved by eliminating surface water infiltration through the impacted materials by removal of selected areas of impacted materials and installation of a protective ET cap.”

Comment 22: Page 112, Section 4.7.6: Change “meet” to “meets”

***Response:** We acknowledge this comment and have revised the FS. The revised language is included on page 112 and is presented below.*

Page 112: “Alternative 5 meets the RAOs established for the North Property; and therefore, should be protective of human health and the environment over the long term.”

Comment 23: Page 120, Section 4.91: last sentence of 2nd paragraph change “soil layer and cap” to “ground water interceptor trenches”

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 120 and is presented below.*

Page 120: “Security and fences will be used to maintain controlled access in areas during construction of soil and cap structures to be protective of site visitor and general public safety. Proper installation of the ground water interceptor trenches will be performed in accordance with design specifications.”

Comment 24: Page 123, Section 4.10: Rewrite this paragraph as follows: “This alternative involves the demolition of the existing Mine Water Transport Pipeline which transports contaminated water from the Eagle Mine to the water treatment plant located at the CTP. The existing pipeline from the south end of Rex Flats to the existing treatment plant will be relocated for the proposed future reuse of the North Property. In addition, the existing trestle system through Rex Flats will be demolished in accordance with an agreement with the State Historic Preservation Office. The former Tailings Slurry Pipeline south of the OTP will also be demolished.”

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 123 and is presented below.*

Page 123: " ALTERNATIVE 8: DEMOLITION OF STRUCTURES

This alternative involves the demolition of the existing Mine Water Transport Pipeline which transports contaminated water from the Eagle Mine to the water treatment plant located at the CTP. The existing pipeline from the south end of Rex Flats to the existing treatment plant will be relocated for the proposed future reuse of the North Property. In addition, a portion of the existing trestle system will be demolished, including through the Rex Flats area, in accordance with an agreement with the State Historic Preservation Office. The former Tailings Slurry Pipeline south of the OTP will also be demolished.”

Comment 25: Page 126, RAO 4: Add “Coordination with CBS will be required prior to CDPHE and EPA authorizing any substantive changes at the site that impact the existing remedy, including modifications to the mine water transport pipeline and the sludge cell.”

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 127 and is presented below.*

Page 127: “Any existing remedial features and engineered structures that are affected (e.g., ground water monitoring wells and mine water transport pipeline) will be replaced or reconstructed in order to provide equivalent or enhanced protectiveness and performance. Coordination with CBS will be required prior to CDPHE and EPA authorizing any substantive changes at the site that impact the existing remedy, including modifications to the mine water transport pipeline and the sludge cell.”

Comment 26: Page 129, RAO 4: Add “Implementation of Institutional Controls at the site would not restrict or limit the ability of CBS to continue with operation, maintenance and monitoring activities at the site.”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 129 and is presented below.

Page 129: “Implementation of ICs at the site would not prevent CBS from continuing with the operation, maintenance, and monitoring at the site.”

Comment 27: Page 140, last paragraph: Delete “since the cap is 3.3 feet (1 meter) in thickness.”

Response: We acknowledge this comment and have revised the FS. The phrase was deleted and the revised language is included on page 140 and is presented below.

Page 140: “The ET cover provided in Alternative 3 is designed to manage typical precipitation on the North Property. Since tees and greens require an increased amount of water, Alternative 3 is not protective of the environment.”

Comment 28: Page 143, 2nd paragraph: Add “EPA” to the sentence with CDPHE. Add “Coordination with CBS will also be required.”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 143 and is presented below.

Page 143: “Disposal at Clean Harbors or an alternate facility approved by the CDPHE and EPA will continue until a new sludge disposal facility can be located or constructed closer to the site. Coordination with CBS will also be required.”

Comment 29: Page 147: Paragraph “Based on. . .” should not be bulleted.

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 147 and is presented below.

Page 147: “Based on the proposed land reuses, the alternatives discussed in Section 4 were compared and analyzed to determine the most appropriate alternative to meet the RAOs.”

Comment 30: Page 149: Paragraph beginning “Alternative 9” delete the word “uses” after “zoning restrictions”

Response: We acknowledge this comment and have revised the FS. “Uses” was deleted and the revised language is included on page 149 and is presented below.

Page 149: “Alternative 9 may be appropriately applied to the entire area of Bolts Lake. Institutional controls that would be applied to this area are expected to include zoning restrictions, prohibitions on uses of ground water for drinking and irrigation, environmental covenants, monitoring, and deed notices.”

Comment 31: Page 150, graphic: Change “Contaminated Soil” to “Native Soil” since Bolts Lake is not contaminated.

Response: We acknowledge this comment and have revised the FS to include the revised graphic. The newly revised graphic is included on page 150.

Comment 32: Page 152: “Alternatives are only considered for areas of impact and future development, with making attempts to minimize impacts to wetland areas.” Should “with” be changed to “while”? This sentence doesn’t make sense.

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 152 and is presented below.

Page 152: “Based on the proposed land reuse, the alternatives discussed in Section 4 were compared and analyzed to determine the most appropriate alternative to meet the RAOs. The development plan is shown in Figures 4A and 7A. Future redevelopment for portions of Maloit Park includes the construction of a golf course around the perimeter of the area. Alternatives are only considered for areas of impact and future development, while making attempts to minimize impacts to wetland areas.”

Comment 33: Page 154, last paragraph in Section 5.3.2: Change “OTP” to “Maloit Park” in the last sentence.

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 154 and is presented below.

Page 154: “Additionally, monitoring to include inspections, ground water monitoring, maintenance, and repair activities will ensure the effectiveness of implementation of Alternatives 3 and 4 at Maloit Park.”

Comment 34: Page 155: Graphic title “cut” doesn’t make sense. Use “Maloit Park Fairways” or something that better describes this alternative.

Response: We acknowledge this comment and have revised the FS to include the revised graphic. The newly revised graphic is now titled “Alternative 3 Fairways” and is included on page 155.

Comment 35: Page 156: Last sentence in section 5.3.3, add “Alternative 4”.

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 156 and is presented below.

Page 156: “Additionally, monitoring to include inspections, ground water monitoring, maintenance, and repair activities will ensure the effectiveness of implementation of Alternative 3 and 4 in the Maloit Park area.”

Comment 36: Page 157 last paragraph in section 5.4.1: Missing an “a” in front of “water quality basin”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 157 and is presented below.

Page 157: “The remaining length of Bolts Ditch that extends along the west and north sides of the OTP will be graded into a swale feature that will carry side slope runoff from the surrounding elevated topography to a water quality basin.”

Comment 37: Page 157, Bullet list “area” should be “areas”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 157 and is presented below.

Page 157: “Land use and areas of concern on the OTP will include the following:”

Comment 38: Page 157: Last sentence refers only to tees and greens, this should be “Alternatives evaluated for the OTP include:”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 157 and is presented below.

Page 157: “Alternatives evaluated for the OTP include:”

Comment 39: Page 159, 1st sentence: Delete “since the cap is 3.3 feet (1 meter) in thickness.”

Response: *We acknowledge this comment and have revised the FS. The phrase was deleted and the revised language is included on page 158 and is presented below.*

Page 159: “Since tees and greens require an increased amount of water, Alternative 3 is not protective of the environment.”

Comment 40: Page 159: Paragraph beginning “Alternative 9. . .” change “zoning for non-residential uses” to “zoning restrictions”

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 159 and is presented below.*

Page 159: “Institutional controls that would be applied to this area are expected to include zoning restrictions, prohibitions on uses of ground water for drinking and irrigation, environmental covenants, monitoring, and deed notices.”

Comment 41: Page 160: Paragraph beginning “Alternative 9. . .” change “zoning for non-residential uses” to “zoning restrictions”

Response: *We acknowledge this comment and have revised the FS. The revised language is included on page 160 and is presented below.*

Page 160: “Institutional controls that would be applied to this area are expected to include zoning restrictions, prohibitions on uses of ground water for drinking and irrigation, environmental covenants, monitoring, and deed notices.”

Comment 42: Page 162: Paragraph beginning “Alternative 9” delete the word “uses” after “zoning restrictions”

Response: *We acknowledge this comment and have revised the FS. “Uses” was deleted from the sentence, and the revised language is included on page 162 and is presented below.*

Page 162: “Institutional controls that would be applied to this area are expected to include zoning restrictions, prohibitions on uses of ground water for drinking and irrigation, environmental covenants, monitoring, and deed notices.”

Comment 43: Page 168: Graphics for Cut and Fill – the titles for these graphics are confusing, as the graphic for “cut” has up to 36 inches of fill, but the drawing for “fill” has the cover directly on top of the contaminated material. Develop a better title or delete the second block diagram completely.

***Response:** We acknowledge this comment and have revised the FS. The revised graphics are now titled “Alternative 3 Cut Into Contaminated Soil” and “Alternative 3 Fill Over Existing Grade.” These graphics are included on page 168.*

Comment 44: Page 173, 2nd to last paragraph: Change “increase amount” to “increased amount”

***Response:** We acknowledge this comment and have revised the FS. The revised language is included on page 173 and is presented below.*

Page 173: “Since tees and greens require an increased amount of water, Alternative 3 is not protective of the environment.”

Comment 45: Page 173, 2nd to last paragraph: Delete “since the cap is 3.3 feet (1 meter) in thickness.”

***Response:** We acknowledge this comment and have revised the FS. The phrase was deleted from the sentence and the revised language is included on page 173 and is presented below.*

Page 173: “Since tees and greens require an increased amount of water, Alternative 3 is not protective of the environment.”

Comment 46: Page 176 graphic: Change “Contaminated Soil” to “Native Soil” since the Highlands are not contaminated.

***Response:** We acknowledge this comment and have revised the FS. The revised graphic is included on page 176.*

Comment 47: Page 177, graphic: Change “Contaminated Soil” to “Native Soil” since the Highlands are not contaminated.

***Response:** We acknowledge this comment and have revised the FS. The revised graphic is included on page 177.*

Comment 48: Page 177, last paragraph: Delete reference to ground water monitoring in the Highlands.

***Response:** We acknowledge this comment and have revised the FS. Reference to ground water monitoring has been deleted and the revised language is included on page 177 and is presented below.*

Page 177: “Additionally, monitoring to include inspections, maintenance, and repair activities will ensure the effectiveness of implementation of Alternatives 3 and 4 at the Highlands Area.”

Comment 49: Page 178, General Site Characteristics: Need to add the ski practice slope to this discussion.

***Response:** We acknowledge this comment and have revised the FS. The revised language is included on page 178 and is presented below.*

Page 178: “The third roadway bridge will cross the Eagle River near the southern tip of Rex Flats as part of the Tigiwon Road diversion and improvement effort. The southern portion of Rex Flats is being considered for use as a practice ski slope.”

Comment 50: Page 181: Paragraph beginning “Alternative 9. . .” change “zoning for non-residential uses” to “zoning restrictions”

***Response:** We acknowledge this comment and have revised the FS. The revised language is included on page 181 and is presented below.*

Page 181: “Institutional controls that would be applied to this area are expected to include zoning restrictions, prohibitions on uses of ground water for drinking and irrigation, environmental covenants, monitoring, and deed notices.”

Comment 51: Page 184, 2nd to last paragraph: Delete “The irrigation for the landscape areas will pond and infiltrate the impacted materials remaining in place and migrate towards the Eagle River.” This text does not seem to apply to the Rex Flats repository and appears to be a cut/paste from elsewhere in the document. Alternative text referring specifically to No Action at the Rex Flats repository should be added.

***Response:** We acknowledge this comment and have revised the FS. The revised language is included on page 184 and is presented below.*

Page 184: “Regulations governing Superfund require that the “No Action” alternative be evaluated to establish a baseline for comparison. Under this alternative, no actions would be taken at the North Property to prevent exposure to impacted materials with the proposed future reuse of the property. If impacted soil did not exist at Rex Flats, there would not be a need for the repository. However, Alternative 1 is not appropriate for this location because impacted soils do exist at Rex Flats and a repository is needed to place the impacted soil. Therefore, Alternative 1 is not protective of the environment.”

Comment 52: Page 185, 1st paragraph: Add EPA next to CDPHE.

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 184 and is presented below.

Page 184: “Remedial designs will be finalized during the RD/RA process once the preferred remedy has been approved by the CDPHE and EPA.”

Comment 53: Page 185: Paragraph beginning “Alternative 9. . .” change “zoning for non-residential uses” to “zoning restrictions”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 185 and is presented below.

Page 185: “Institutional controls that would be applied to this area are expected to include zoning restrictions, prohibitions on uses of ground water for drinking and irrigation, environmental covenants, monitoring, and deed notices.”

Comment 54: Page 187, graphics for Cut and Fill: These graphics are confusing, as the graphic for “cut” has up to 36” inches of fill, but the drawing for “fill” has the cover directly on top of the contaminated material. Develop a better title or delete the second block diagram completely.

Response: We acknowledge this comment and have revised the FS. The revised graphics are included on page 187.

Comment 55: Page 188, last paragraph, 1st sentence: Change “include” to “included”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 188 and is presented below.

Page 188: “The ET Cover included in Alternative 3 is designed to manage precipitation at Roaster Pile #5 and will be adequate to manage irrigation water in the landscaped areas (Figure 4B).”

Comment 56: Page 189, 2nd paragraph: Delete reference to ground water monitoring at RP5.

Response: We acknowledge this comment and have revised the FS. Reference to ground water monitoring at RP5 has been deleted and the revised language is included on page 189 and is presented below.

Page 189: “Additionally, monitoring to include inspections, maintenance, and repair activities will ensure the effectiveness of implementation of Alternatives 3 and 4 at the Roaster Pile #5 area.”

Comment 57: Page 190: Change graphic title to “Alternative 3 - Roaster Pile #5”

Response: We acknowledge this comment and have revised the FS. The revised graphic is now titled “Alternative 3 - Roaster Pile #5” and is included on page 190.

Comment 58: Page 190: Delete reference to ground water monitoring at RP5.

Response: We acknowledge this comment and have revised the FS. Reference to ground water monitoring has been deleted and the revised language is included on page 190 and is presented below.

Page 190: “Additionally, monitoring to include inspections, maintenance, and repair activities will ensure the effectiveness of implementation of Alternatives 3 and 4 at the Roaster Pile #5 area.”

Comment 59: Page 191: Add the Rex Repository to the 1st bullet.

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 191 and is presented below.

Page 191: “1. Excavating impacted materials exhibiting concentrations of COCs above RGs and capping the excavated materials in on-site repositories (i.e., the sludge cell at the CTP and Rex Flats Repository), reducing the risk of human exposure to contaminated materials,”

Comment 60: Page 191, 5th bullet: Should be reworded to be more consistent with text elsewhere in the document: “Reconstruction of the southern diversion trench, redirection of Bolts Ditch to discharge into the reservoir complex and construction of a swale feature to carry side slope runoff to a water quality basin will reduce surface water infiltration through impacted materials. . . .”

Response: We acknowledge this comment and have revised the FS. The revised language is included on page 191 and is presented below.

Page 191: “5. Reconstruction of the southern diversion trench, redirection of Bolts Ditch to discharge into the reservoir complex and construction of a swale feature to carry side slope runoff to a water quality basin will reduce surface water infiltration

through impacted materials to ground water and improving protectiveness of ground water quality.”

Comment 61: Table 2: Numbering jumps from 54 to 69. Please renumber starting at 54.

Response: We acknowledge this comment and have revised Table 2 of the FS.

Comment 62: Table 3: Change the date of the HHRA in the footnotes to be consistent with the final version.

Response: We acknowledge this comment and have revised Table 3 of the FS.

Comment 63: Table 5: Correct whether the concrete liner option or the double liner option are being screened out to be consistent with the text – see comment on page 61 above.

Response: We acknowledge this comment and have revised the text to be consistent with Table 5. Please see comment 8 above.

Comment 64: Table 17: Alternative 4 needs to be added for Maloit Park

Response: We acknowledge this comment and have revised Table 17 the FS.

Comment 65: None of the figures that show the development include the practice ski slope and/or the Rex Flats repository location (figures 9A, B, and C). Can the practice slope and repository be added to these figures?

Response: We acknowledge this comment and would like to direct EPA and CDPHE's attention to Figure 6 to view the Rex Flats Repository. The practice slope has not been added because at this point, it is only proposed.