

TELLURIDE DAILY PLANET

NEWS

SMA, PacifiCorp reach settlement on Silver Bell tailings

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Deal sets out plan of monitoring, amending tailings impoundment

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Telluride environmental organization Sheep Mountain Alliance and Oregon-based utility company PacifiCorp have reached a settlement agreement over the Silver Bell tailings impoundment, an old tailings site near Ophir that was found leaking pollutants into a tributary of the San Miguel River.

The agreement, which was reached collaboratively between the parties, lays out a plan of monitoring and improving the remediation at the site, and calls for PacifiCorp to donate \$150,000 to a local watershed restoration project.

Hilary Cooper, executive director of Sheep Mountain Alliance (SMA), said PacifiCorp has demonstrated a real willingness to get the tailings site cleaned up, and it was a healthy process. While it wasn't exactly the outcome SMA sought, Cooper thinks the agreement will result in site-specific improvements as well as a boost for river restoration elsewhere in the region.

"We are very pleased with the genuine response of PacifiCorp to engage technical professionals to clean up this site," Cooper said. "We just want to make sure it gets fixed and the levels are back down to a safe level."

The Silver Bell Mill processed ore from several mines in the Ophir area through the 1950s. PacifiCorp never utilized the mill, but acquired the site because it was owned by a predecessor of the company. The company initiated cleanup of the tailings in 1998, stabilizing and impounding the tailings to prevent discharges into Howard Fork. The quality and amount of discharge is regulated under a National Pollutant Discharge Elimination System permit.

But in recent years, monitoring data showed levels of solids, acidity and iron discharge that were higher than allowed, and SMA took note. In 2011, the organization initiated the citizen enforcement suit against PacifiCorp under the Clean Water Act after discovering ongoing discharge violations in monitoring data reported by PacifiCorp to the Environmental Protection Agency.

After SMA initiated the suit, White said, PacifiCorp approached it with a willingness to work together. SMA shared the full report put together by its water engineer, which determined the contamination was the result of surface water filtering through its tailings pile and that the "cap" of the tailings pile was not working sufficiently. The two parties eventually agreed to work with an independent engineer, Water & Environmental Technologies (WET), to develop and implement a management plan for the site, and came up with a settlement agreement. The consent decree was filed with the Federal District Court of Colorado last week.

The settlement agreement calls for WET to conduct a series of tests to determine the exact sources of infiltration at the impoundment and come up with recommendations for improvements that will stop future leakage.

The agreement also lays out a timeline; PacifiCorp is obligated to obtain the permits necessary to commence any upgrades required at the remediation site by early 2015.

White said SMA believes that the cap will need to be fixed or replaced. Though SMA hoped that PacifiCorp would agree to fix or replace it immediately, she believes the findings will still lead to that result.

In addition to action at the site, PacifiCorp has agreed to pay \$150,000 to the San Miguel Watershed Coalition, which will be funneled into a restoration project at Priest Lake reservoir.

Dave Eskelsen, a spokesperson for Rocky Mountain Power and PacifiCorp, said the company has worked for well over a decade to impound and stabilize the Silver Bell site, which it inherited. Silver Bell presents unique challenges with its steep terrain high spring runoff and big temperature swings, he said.

“A lot of the normal things that one might to do remediate this site are not workable,” he said. “We have run into some challenges.”

Despite that, Eskelsen said, “We are of course very committed to satisfying all of the environmental obligations that we have at any of the sites that we own or operate.”

He said PacifiCorp thinks the settlement is acceptable, and noted that the company always strives to work cooperatively with other entities, as it did with SMA.

In a release, Cooper said that the ongoing contamination from mining activity in Howard Fork is one of the most significant sources of pollution in the San Miguel River.

“We believe that the measures agreed upon by PacifiCorp in the consent decree will make a significant difference in the water quality and habitat of the river,” she said.

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