

**PARK CITY BLUE RIBBON COMMISSION ON THE SOIL ORDINANCE AND SOIL DISPOSAL OPTIONS
SUMMIT COUNTY, UTAH
MINUTES OF FEBRUARY 4, 2013
10:00am – 12:00pm
Marsac City Hall Council Chambers**

COMMISSIONERS PRESENT: Roger Armstrong, Chris Cherniak, David Hampshire, Moe Hickey, Chuck Klingenstein, Rory Murphy, Liza Simpson, David Smith (non-voting), Brian Suhadolc, Leslie Thatcher, Tom Ward

COMMISSIONERS ABSENT: Hans Fuegi, Charlie Wintzer, Katie Wright

STAFF PRESENT: Diane Foster, Tom Daley, Joan Card, Jim Blankenau, Matt Abbott, Craig Sanchez

I. Oath of Office and Welcome—Mayor Dana Williams

Mayor Williams opened the meeting by welcoming and thanking the Soil Commissioners. Mayor Williams stated that David Smith of Talisker had decided not to take the Oath of Office, but will attend meetings as a non-voting member. Mayor Williams administered the Oath of Office to the Commissioners present.

II. Introductions of the Soil Commissioners and Staff

Craig Sanchez introduced himself as facilitator and asked members and staff for their brief introductions and interests in the Commission. Mr. Sanchez described meeting ground rules and asked members not to meet after the meeting. Joan Card indicated that ethics and open meeting law training will be provided at the next meeting of the Commission. Mr. Sanchez asked members to state their name when speaking for the recording. Mr. Sanchez read the Commission's charge from Mayor and Council.

III. Staff Presentation—Park City's Mining History

Joan Card made a presentation on Park City's mining and milling history. Ms. Card's presentation included a chronological overview of Park City's mining and milling history from 1896. The presentation included a review of historic maps and photographs. The mining, milling, and concentrating processes were described generally. The differences between tailings and waste rock and overburden, tailings being the fine, sand-like byproduct of milling and waste rock and overburden generally being material left over from the digging of shafts and tunnels. Tailings were described as containing

concentrated heavy metals, such as lead. Rory Murphy described an anecdote about the historic use of mercury in the milling process in Park City. Ms. Card stated she did not intend to “bash” historic mining, but to describe the practices of that time so we can understand our current environmental challenges.

Ms. Card described historic tailings management in Park City. The tailings were sent out of the mills and downstream, principally in Ontario and Empire Canyon drainages and Silver Creek, also known as Poison Creek. Tailings made their way down Silver Creek to Wanship and Coalville areas where agriculture enterprises were negatively impacted. Some farmers downstream sued mine companies. Subsequently, beginning in about 1911, mine companies purchased land at Richardson Flat and the Prospector area to impound tailings rather than slurry the tailings further downstream. Tom Ward described personal experience encountering tailings at his property in the Prospector area. Chris Cherniak described the potential for dry tailings to become air borne.

Ms. Card continued to describe the chronology of mining and milling in town, with 1978-1982 being the end of the mining and milling era. As a result of tailings impacts on stream water quality, the state of Utah has determined that Silver Creek does not meet water quality standards for zinc, cadmium, which impact fish and aquatic life and arsenic, which impacts the drinking water supply. Rory Murphy made the point that United Park City Mines Co. remains a present day owner, but was not the only mining company in Park City through time and there were many other mining companies and individuals. Ms. Card described a record that indicated United Park City Mines Company had acquired approximately 85% of Park City’s mining interests. Finally, tailings impact soil and appear to have been used in construction through Park City’s past as pipeline bedding material and road base, among other things.

IV. Staff Presentation—Park City’s “Soil Ordinance”

Jim Blankenau described the “Soil Ordinance” as an institutional control to minimize human exposure to metals in tailings. Since metals cannot effectively be removed from soil, the Soil Ordinance requires a six inch cover or “cap” to isolate tailings. Mr. Blankenau stated that the Soil Ordinance was first enacted in 1988 in the Prospector area. The Soil Ordinance boundary changed in 1994, 2003 and 2006. Moe Hickey asked about the addition of the high school area to the boundary in 2006. Mr. Blankenau indicated that construction activity in that time frame led to the discovery of tailings in that area, so it was capped and included. Mr. Cherniak asked why Silver Star was brought into the ordinance boundary and Mr. Murphy described it as a voluntary move to ensure the Silver Star site, which had some areas with slightly elevated lead from overburden, was properly capped. Mr. Blankenau described lead as the indicator metal for protecting human health in Park City.

Mr. Blankenau described that the Soil Ordinance requires proper disposal of contaminated soil, either on site with a cap, or off site in a licensed disposal facility. Mr. Blankenau described the process for property owners to obtain a Certificate of Compliance with the Soil Ordinance. Mr. Blankenau indicated that all the residential areas in the original Prospector area boundary have obtained Certificates of Compliance.

Roger Armstrong asked if the cap needed to be maintained and Mr. Blankenau stated yes. Mr. Armstrong had a question whether the Soil Ordinance addresses impacts on water systems. Ms. Card reiterated that the ordinance address only human health issues. Mr. Blankenau continued to describe the details of the Soil Ordinance including the requirement that the cap contain less than 200 mg/kg lead and requirements for planting and dust control. Mr. Cherniak asked if bare dirt is allowed in the Soil Ordinance boundary and Mr. Blankenau indicated that it generally is not.

Mr. Blankenau described the requirements for hauling contaminated soil off site for disposal. Disposal facilities require a Toxicity Characteristics Leaching Procedure, TCLP, test that meets a standard. Tom Ward described personal experience with testing soil and asked if 200 mg/kg lead was a new standard and Mr. Blankenau answered in the affirmative. Mr. Ward also described that he had seen exposed tailings along the Rail Trail. Mr. Cherniak asked if the City provides TCLP testing services and Mr. Blankenau indicated that the City would provide lab information. Mr. Blankenau then described the process of working with a disposal facility to meet all of their requirements. Leslie Thatcher asked what makes tailings leachable. Mr. Blankenau indicated some of the physical and chemical factors that contribute to lead leachability. Liza Simpson asked if both tests are required and Mr. Blankenau indicated that both tests would be required if the soil needed to be disposed at a landfill or other disposal facility, but not if it is managed on site.

Brian Suhadolc asked if there was a time frame by which property owners must be in compliance with the Soil Ordinance. Ms. Card indicated that the time frame in the Soil Ordinance has passed and that the City is working with remaining property owners, which tend to be large properties where capping is very expensive. Also, many properties have met the cap requirement through paving, but have not obtained an inspection and Certificate of Compliance. Chuck Klingenstein indicated that building cycles drive compliance and this new building cycle is one of the reasons the Soil Commission has been convened. Mr. Blankenau summarized and indicated that other communities have similar ordinances such as Eureka, Utah and Aspen, Colorado. Rory Murphy asked if contaminated soil could be “disposed” somewhere else in the Soil Ordinance boundary. Mr. Klingenstein asked if there are volume estimates for future excavations in the Soil Ordinance and suggested he needs to understand how much soil will require disposal. Ms. Card indicated future presentations would touch on

volume estimates. Ms. Thatcher asked if despite the Soil Ordinance we may have a groundwater problem and Mr. Klingenstein asked about the scope of discussion. Ms. Card indicated that future agendas will address the scope.

V. Commissioner Questions to Staff and Wrap Up

Joan Card reviewed future draft agendas. Tom Ward asked whether we will discuss cleaning up Silver Creek. Rory Murphy asked about Park City's relationship with EPA. Ms. Card indicated that the relationship is on target and the City recently entered an agreement with EPA to clean up the Prospector Drain. Mr. Murphy suggested that different people at EPA have different approaches and that can be hard. Liza Simpson suggested that this Commission will address difficult challenges with EPA and Park City's mining legacy and help with a plan that will serve the community into the future. David Hampshire asked the reason we are reviewing this now. Ms. Card reminded the group of the Mayor and Council's charge. With the closure of the Richardson Flat repository for the disposal of soil from the Soil Ordinance boundary, cost effective soil disposal is no longer available. The Commission will look at both disposal options and Soil Ordinance changes in concert. Mr. Klingenstein asked how Commissioners should ask questions of staff and Commissioners are encouraged to bring questions to the open meetings. Rory Murphy asked if the closing of Richardson Flat caught people by surprise and if there was a given rationale. Ms. Card said that the City was in the middle of large projects that would not have been underway if the City had known the repository would close. Ms. Card also indicated that the Commission would be provided correspondence from EPA. Mr. Cherniak asked about on line information and Ms. Card suggested EPA's Superfund web site has some information on the Richardson Flat Tailings Site.

The meeting was adjourned.