

**Responsiveness Summary
Notice of Intent to Delete
Eagle Mine Superfund Site, Operable Unit 2
July 13, 2021**

Introduction:

A Notice of Intent to Delete for Operable Unit 2 (OU2) of the Eagle Mine Superfund Site was published in the *Federal Register* on May 14, 2021 (86 FR 26452). The publication of this notice was intended to inform the public that EPA planned to partially delete OU2 from the National Priorities List and provide a 30-day public comment period on the proposed deletion. The closing date for comments on the Notice of Intent to Delete was June 14, 2021. One set of written comments was received. These comments are available for public view at <http://www.regulations.gov>. In addition, all public comments were considered in EPA's final decision to partially delete OU2 of the Site from the NPL.

Responsiveness Summary:

The Responsiveness Summary has been prepared to provide responses to comments submitted to EPA during the 30-day public comment period regarding the Notice of Intent to Delete (86 FR 26452) OU2 of the Eagle Mine Superfund Site. The original comments are summarized below and available at <http://www.regulations.gov>, Docket ID No. EPA-HQ-SFUND-1986-0005, with the support materials under document type "Public Submissions."

Summary of Comments from the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority

The following comments were submitted regarding the proposed partial deletion of OU2.

*1. Nonetheless, the purpose and utility of the proposed deletion of the Gilman portion of OU2 is not clear to us. We therefore request clarification regarding **the purpose of the proposed deletion** and an **explanation as to what differentiates the Gilman portion of OU2 from other sources of contamination at the site.***

Response:

The purpose of the proposed deletion is to document cleanup completion of the Eagle Mine Superfund Site Operable Unit 2 (OU2). The Superfund regulations (40 CFR § 300.425(e)) and Notice of Policy Change; Partial Deletion of Sites Listed on the National Priorities List (60 FR 55466), allow for OU deletion when all appropriate response actions have been implemented and no further response is appropriate. The 1998 OU2 Record of Decision (ROD) selected institutional controls establishing land use restrictions to protect risks to human health in OU2, Gilman. The property owner and Colorado Department of Public Health and Environment successfully implemented a

Notice of Environmental Use Restriction for Gilman that satisfies all requirements in the OU2 ROD. As such, OU2 qualifies for deletion from the National Priorities List.

To clarify the difference between OU2 and other operable units at the Site, OU2 was created to investigate and address risk posed to human health in Gilman. Risk assessments concluded no unacceptable risk is posed to ecological receptors in OU2. Operable Unit 1 (OU1) was created to investigate and address risk posed to ecological receptors in areas other than Gilman. Operable Unit 3 (OU3) was created to investigate and address risk posed to human health from surface soil in areas other than Gilman, in the event land use changes to residential. Unlike OU2, the remedies for OU1 and OU3 have not yet been fully implemented or have not yet achieved total protection of human health and the environment.

The waste rock piles on the Gilman perimeter and within Gilman itself (WRP8) have surface water diversion and collection remedy components installed that are associated with ecological risk outside of Gilman. Those piles and components are not part of OU2 and instead are part of OU1, despite the geographic overlap. The deletion of OU2 has no effect on the OU1 remedy and the diversion/collection remedy components will continue to be operated and maintained, supporting the OU1 remedy.

Finally, although OU2 will be deleted, it will continue to be a part of the Site's Five-Year Review process, including verification of the Notice of Environmental Use Restriction.