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Sunnyside wants EPA out of lead role

Company says agency has conflict of interest

Sunnyside Gold Corp. is asking the EPA's Office of Inspector General to launch an investigation into whether the agency should be recused from acting as the "Lead Agency" for the Bonita Peak Mining District Superfund Site, citing "obvious" conflict of interest.

In a Feb. 25 letter to the Inspector General, Sunnyside Gold's director of reclamation operations Kevin Roach cited the EPA's liability for the August 2015 Gold King Mine spill and the agency being a defendant in "multiple legal actions."

"Furthermore, EPA's course of conduct as Lead Agency has shown that it is unable to act impartially," Roach said.

"EPA should be removed as Lead Agency for the Bonita Peak Superfund Site because of a clear conflict of interest and its target of SGC, who the State of Colorado has already acknowledged improved water quality in the area," Roach told the *Standard*.

BONITA PEAK MINING DISTRICT SUPERFUND SITE

Roach complained that the EPA "has focused on endless studies and projects with no demonstrable benefit to the environment."

He pointed to the EPA's interim water treatment plant at Gladstone.

"EPA has to date not run its water treatment plant to capacity, allowing hundreds of millions of gallons of acidic, metals-laden water to travel around the treatment plant directly into Cement Creek."

The plant is currently treating Gold King Mine discharge, but not water from the nearby American Tunnel and Red and Bonita mines.

EPA officials have stated that to treat the additional discharges would create sludge management issues.

Roach also accused the EPA of "improperly targeting" Sunnyside Gold, even though, he argued, that the company has worked on a lot of projects that have improved water quality in the upper Animas.

Roach complained that the EPA has mandated that Sunnyside Gold conduct "millions of dollars of

investigatory work."

"EPA's application of Superfund as a weapon against SGC is an abuse of power and contradicts the purpose of Superfund," Roach argued.

And Roach added that at some point in the future, "SGC will be entitled to recover monies expended today from the federal government."

Roach suggested the Colorado Department of Public Health and Environment might be a better choice to lead the Superfund site.

The EPA's community involvement coordinator, Cynthia Peterson, said Tuesday that "the EPA remains committed to working with responsible parties to address water quality degradation at the Bonita Peak Mining District Superfund site."

She said the Sunnyside Gold Corp. has been identified as a potentially responsible party under the Superfund law as an

owner and operator of the Sunnyside Mine, "and its activities have contributed to significant water quality degradation in the upper Animas River watershed."

Peterson said the EPA "will continue to require the company to take actions to ensure that financial responsibility for cleanup is not shifted to taxpayers."

Meanwhile, the EPA's project manager for the sprawling Bonita Peak Mining District Superfund Site, Rebecca Thomas, is retiring.

March 21 will be her last day working for the EPA.