

# Town of Crested Butte

P.O. Box 39 Crested Butte, Colorado 81224

*-National Trust for Historic Preservation's 2008 Dozen Distinctive Destinations Award Recipient-*

*-A National Historic District-*

Phone: (970) 349-5338  
FAX: (970) 349-6626  
www.townofcrestedbutte.com

March 31, 2014

**VIA E-MAIL & FIRST CLASS U.S. MAIL DELIVERY**

Mr. Fonda Apostolopoulos  
Voluntary Cleanup Program - Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment  
4300 Cherry Creek S. Drive  
Denver, CO 80246

**Re: U.S. Energy Corp. Keystone Mine Voluntary Cleanup Eligibility**

Dear Mr. Apostolopoulos:

We are in receipt of your correspondence dated March 21, 2014 regarding the Colorado Department of Public Health and Environment's (CDPHE) determination of eligibility regarding U.S. Energy Corp's ("USE") Voluntary Cleanup Program (VCUP) application respecting the historic Keystone Mine property. We are also in receipt of High Country Conservation Advocates (HCCA) and the Red Lady Coalition's (RLC) correspondence to CDPHE of March 20, 2014 regarding the subject.

As we have shared with CDPHE in the past, the activities proposed pursuant to USE's VCUP plan will occur in the Town's statutory municipal Watershed Protection District. Therefore, before USE may engage in any VCUP physical work on the subject property, USE will in all likelihood be required to obtain a Watershed Protection District Permit from the Town. For this reason, we ask again that as CDPHE continues in its review of USE's VCUP plan, that CDPHE keep in mind the long history of the subject property and the public health reasons that pursuant to the Clean Water Act the wastewater treatment facility was required some 30 or more years ago.

Following on CDPHE's eligibility determination letter, we cannot overemphasize the importance of CDPHE's careful review and evaluation of USE's future submittals as required by your letter. We would also like to reiterate HCCA and RLC's request for input in the process, inclusive of a public hearing to be held in Crested Butte as was initially offered by CDPHE last fall. We believe these issues and processes to be vitally important to the success of any VCUP especially given the impact the VCUP would have on public health and safety.

Lastly, we urge CDPHE to coordinate all its efforts in regards to the proposed VCUP with the Department of Natural Resources, the United States Forest Service and all other appropriate departments and agencies. Should you require any information from the Town in

Fonda Apostolopoulos

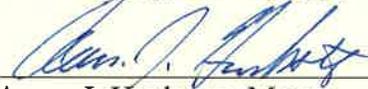
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connection with the matters addressed herein, please contact our Town Manager, Todd Crossett. We thank you, in advance, for your consideration hereof.

Sincerely,

TOWN OF CRESTED BUTTE

By:   
Aaron J. Huckstep, Mayor

AH:jb

ec (via E-mail deliver only):

Honorable John W. Hickenlooper

Honorable Michael F. Bennet

Honorable Mark Udall

Honorable Gail Schwartz

Honorable Millie Hamner

Dr. Larry Wolk, Executive Director, Colorado Department of Public Health & Environment

Mike King, Executive Director, Colorado Department of Natural Resources

Scott Armentrout, Forest Supervisor, U.S. Forest Service

Board of County Commissioners for Gunnison County