

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

Covenant Information:

Covenant ID RSONOT00011

Covenant Date 7/17/2014

Self Reporting

Media of Concern:

Surface Water:

Ground Water:

Air:

Soil:

Other:

Site Contact Information:

Owner Corp: Park County

Contact Name: Park County, Office to Historic Preservation

Contact Address: 1246 R 16

Contact City: Fairplay

Contact State: CO

Contact Zip: 80440

Contact Phone: 719-836-2771

Contaminants of Concern:

Lead

Property Restrictions:

- 1:** No disturbance of soil, excavation or modification of cap
- 2:** All storm water conveyances maintained
- 3:** Surface water / ground water no beneficial use
- 4:** No development, building, construction or impoundments / reositories
- 5:** All remedial features as part of VCUP maintained

Site Information:

ID:

Name: Paris Mill

Address: 2702 CR 8

City: Alma

State: CO

Zip: 80420

Legal Description:

See Institutional Control

PARIS MILL REPOSITORY

106°6'30"W

Featured Institutional Control



39°17'45"N

39°17'45"N



RSNOT00011



Copyright © 2013 Esri, DeLorme, NAVTEQ, TomTom, Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

RSNOT00011

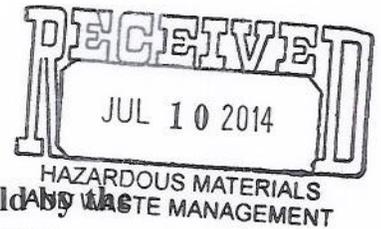


708558

708558
1 of 15

7/31/2014 2:47 PM
NOTIC R\$81.00 DS\$0.00

Debra A Green
Park County Clerk



**This property is subject to an Environmental Covenant held by the
Colorado Department of Public Health and Environment
pursuant to section 25-15-321, C.R.S**

Notice of Environmental Use Restrictions

WHEREAS, Park County is the owner of certain property commonly referred to as the Paris Mill Site, 16 acres located at 2702 County Road 8. The site is located in the Northeast ¼ of Section 4, Township 9 South, Range 78 West in Park County, Colorado (hereinafter referred to as "the Property"). The Property is also known by the address 2702 CR8, Fairplay, Colorado 80440, Colorado. The Property is further identified by the red outlines provided in **Attachments A** (vicinity map) and **B** (location map); and

WHEREAS, the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment ("the Department"), which is located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530, is authorized to issue Notices of Environmental Use Restrictions (a/k/a "Restrictive Notices") pursuant to § 25-15-320(4)(a) of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.* ("CHWA"); and

WHEREAS, for purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, County of Park, State of Colorado shall be considered the **Grantor**, and the Colorado Department of Public Health and Environment shall be considered the **Grantee**. Nothing in the preceding sentence shall be construed to create or transfer any right, title or interest in the Property; and

WHEREAS, pursuant to Voluntary Cleanup and Redevelopment Act Application for Paris Mill Site, Alma, Colorado, September 2, 2009, the Property is the subject of a cleanup action (the "VCUP Remedial Action") pursuant to the Part 3 in Article 16 of Title 25 Colorado Revised Statutes (25-16-301 *et seq.* CRS), the State of Colorado Voluntary Cleanup and Redevelopment Program; and

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by ensuring the VCUP Remedial Action work at the Property is not disturbed or destabilized, that closed mine tailings at the site are not re-exposed to stormwater and snow melt runoff, that the VCUP remedial features, engineering controls and structures are maintained, and that the Property is not otherwise disturbed so as to reduce the effectiveness of the VCUP Remedial Action completed at the site.

WHEREAS, Park County desires to subject the Property to certain covenants and restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, which covenants and restrictions shall burden the Property and bind Park County and all parties having any right, title or interest in the Property, or any part thereof, their heirs, successors and assigns, and any persons using the land, as described herein, for the benefit of the Department.

NOW, THEREFORE, Park County hereby grants this Restrictive Notice to the Department and declares that the two repositories identified in **Attachment C** shall hereinafter be bound by,

held, sold, and conveyed subject to the following requirements set forth in paragraphs 1 through 5, below, which shall run with the Property in perpetuity and be binding on Park County and all parties having any right, title or interest in the Property, or any part thereof, their heirs, successors and assigns, and any persons using the land, as described herein. The repositories are outlined in blue in Attachments B and C. As used in this Restrictive Notice, the term OWNER means the record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

1) Use restrictions and affirmative obligations to maintain engineered features and structures:

- a. There shall be no soil disturbance, excavation or modification of the cap or components of the performance and structures of the VCUP Remedial Action unless such action is taken in accordance with the *Modification* section of this covenant and complies with the approved Site Management Plan (SMP) (**Attachment D**).
- b. All storm water conveyances must be maintained as originally constructed for their functionality.
- c. In accordance with the Site Management Plan (SMP), waters contacting engineered features and structures must be routed away from the tailings impoundment and its contents.
- d. There shall be no development, building construction, or agricultural use permitted on the impoundments; and
- e. All remedial features constructed as part of the VCUP Remedial Action must be maintained and kept operational and effective as originally designed as per the approved SMP.

2) Modifications. This Restrictive Notice runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. The property owner may request that the Department approve a modification or termination of the terms of this Restrictive Notice. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Restrictive Notice will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Restrictive Notice shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:

- a) a proposal to perform additional remedial work;
- b) new information regarding the risks posed by the residual contamination;
- c) information demonstrating that residual contamination has diminished;
- d) information demonstrating that an engineered feature or structure is no longer necessary;
- e) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment;
- f) other appropriate supporting information; and
- g) is conducted as per the SMP.

3) Conveyances. Owner shall notify the Department at least fifteen (15) days in advance of any proposed grant, transfer or conveyance of any interest in any or all of the Property.

4) Notice to Lessees. Owner agrees to incorporate either in full or by reference the restrictions of this Covenant in any leases, licenses, or other instruments granting a right to use the Property.

5) Notification for proposed construction and land use. Owner shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use.

6) Inspections. The Department shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Covenant. Nothing in this Covenant shall impair any other authority the Department may otherwise have to enter and inspect the Property.

7) No Liability. The Department does not acquire any liability under State law by virtue of accepting this Restrictive Notice.

8) Enforcement. The Department may enforce the terms of this Restrictive Notice pursuant to §25-15-322. C.R.S. Park County may file suit in district court to enjoin actual or threatened violations of this Restrictive Notice.

9) Owner's Compliance Certification. Park County shall execute and return a certification form provided by the Department, on an annual basis, detailing Park County's compliance, lack of compliance, and annual inspection report, with the terms of this Restrictive Notice.

10) This Restrictive Notice shall be recorded with the County Clerk and Recorder for Park County.

11) Notices. Any document or communication required under this Covenant shall be sent or directed to:

If to the Department:

Hazardous Materials and Waste Management Division
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

If to Owner:

Park County
Office of Historic Preservation
1246 R 16
P.O. Box 1373
Fairplay, Colorado 80440

Park County, has caused this instrument to be executed this 26th day of JUNE, 2014

By: [Signature]

Title: CHAIRMAN FOR THE PARK COUNTY COMMISSIONERS

STATE OF Colorado)
) ss:
COUNTY OF Park)

The foregoing instrument was acknowledged before me this 26 day of June, 2014 by Mark Davalos on behalf of PARK COUNTY, whose address is 501 Main Street, P.O. Box 1373, Fairplay, Colorado, 80440

Jessica Flannigan
Notary Public

501 Main St
Address

Fairplay CO 80440

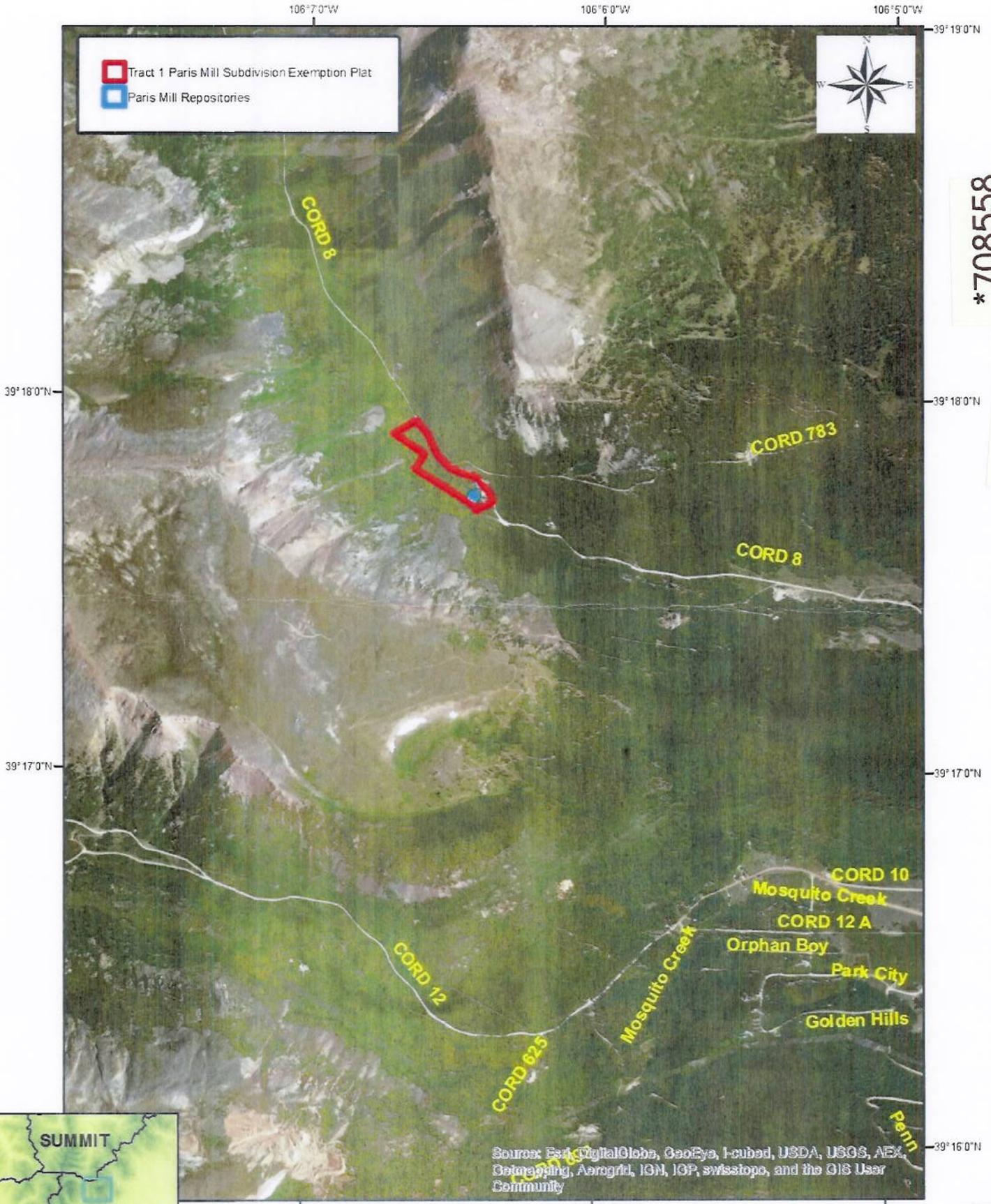


My commission expires: 2/18/2017
this 26 day of June, 2014.

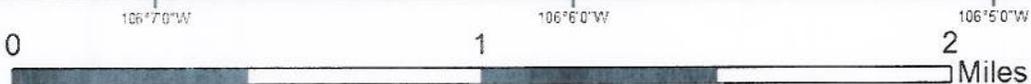
By: Jessica Flannigan

Attachment A

Paris Mill Vicinity, Park County



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



***708558**

7/31/2014 2:47 PM
6 of 15 NOTIC R\$81.00 D\$0.00

Debra A Green
Park County Clerk

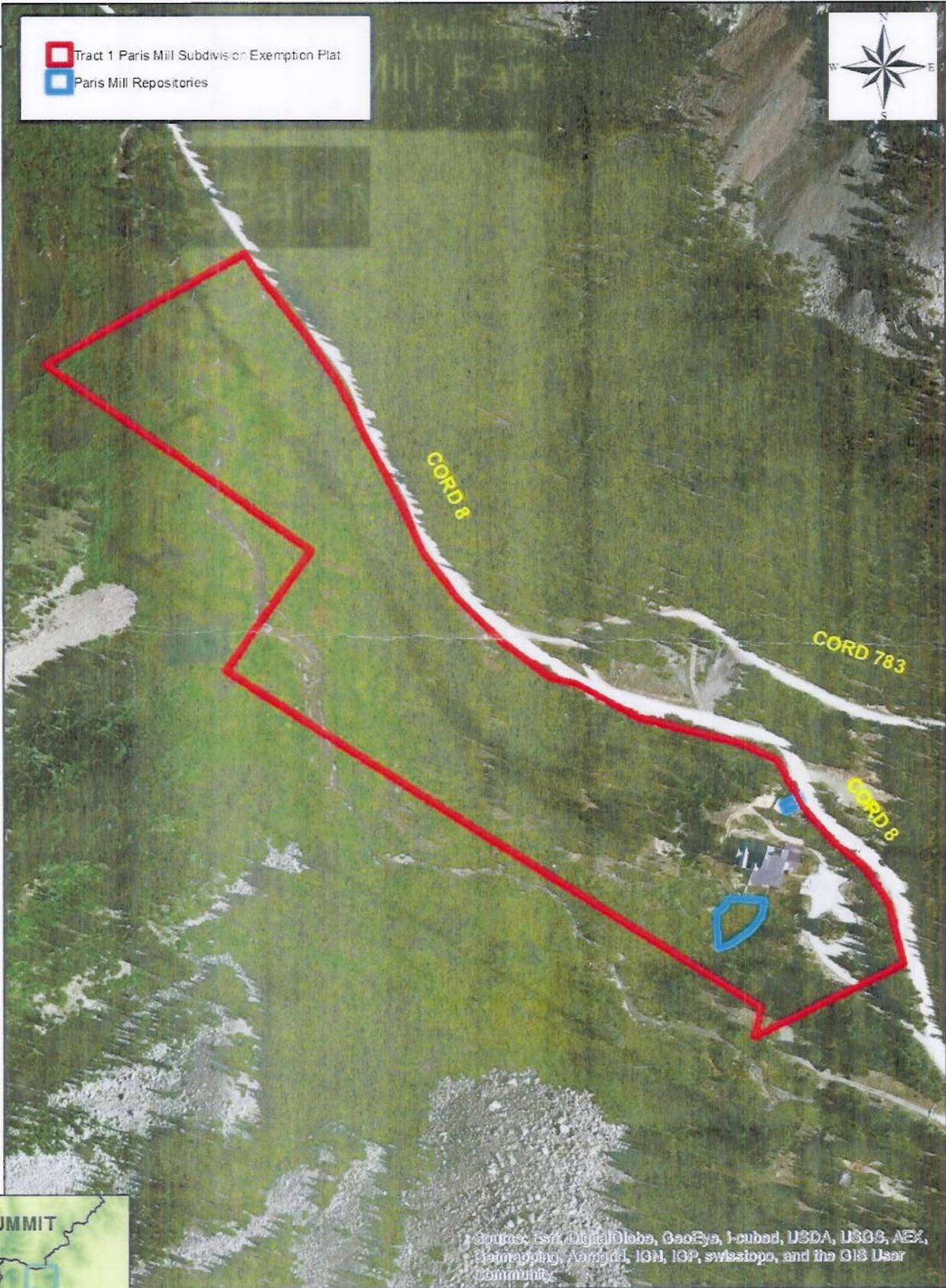
Attachment B Paris Mill, Park County

39° 18' 0" N

 Tract 1 Paris Mill Subdivision Exemption Plat
 Paris Mill Repositories



39° 18' 0" N



Debra A Green
Park County Clerk

708558

708558 7/31/2014 2:47 PM
7 of 15 NOTICE R\$81.00 D\$0.00



Sources: Esri, DigitalGlobe, GeoEye, I-cubed, USDA, USGS, AEX, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

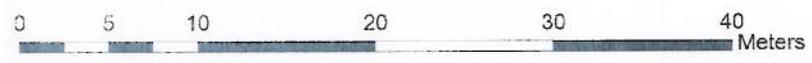


Paris Mill Repositories Polygon Vertices in Decimal Degrees



708558
 7/31/2014 2:47 PM
 8 of 15 NOTIC R\$81.00 D\$0.00

Debra A Green
 Park County Clerk



Document Path: S:\GIS\GISData\GIS\MapServer\ParisMill\Repositories_1013
 Created: Draw Area of Paris Mill and Sewer Plant
 Insurance, Metering and Waste Management Division
 (Not for GIS Mapping)

708558

708558 7/31/2014 2:47 PM
9 of 15 NOTIC RS\$81.00 D\$0.00

Debra A Green
Park County Clerk

Attachment D

**Park County Office of Historic Preservation
1246 CR 16, PO Box 1373
Fairplay, Colorado 80440**

**Paris Mill Site
Alma, Park County, Colorado
Environmental Restoration
RV090902-1**

**Site and Stormwater
Management Plan**

Revision 0

**Park County, Colorado
May 2014**

Table of Contents

1.0	Purpose and Organization	Page 3
2.0	Site Background	Page 3
3.0	Voluntary Clean Up Program, Results and Remediation	Page 4
4.0	Site Maintenance and Inspection Plan	Page 4
5.0	Stormwater Management and inspection Plan	Page 6
App A	Site Maintenance and Stormwater Inspection Report	Page 7
Figure 1	Paris Mill Site	Page 8

1.0 Purpose and Organization:

This document is the site management and stormwater management plan for Paris Mill Site, a former gold mill site and tailings impoundment. This Plan is to be considered in conjunction with an Environmental Covenant running with the property as requested by the Colorado Department of Public Health and Environment (CDPH&E) under the Voluntary Cleanup Program (VCUP). The covenant refers to this document as the Site Management Plan (SMP).

2.0 Site Background:

The Paris Mill Site is located approximately 3 miles west of the town of Alma at the base of Mount Bross, in what was historically known as the Buckskin Mining District. The Property consists of two mining claims on a larger 16-acre site. USFS land and other mining areas bound the site on all sides. The closest residence is approximately one-half mile to the east toward the town of Alma with an additional residence under construction approximately 1,000 feet to the east of the site.

The Paris Mill, built in 1894 to process gold ore from the Paris Mine, sits in Buckskin Gulch above Alma. The mill is a sprawling structure that once featured an aerial tramway connection to the Paris Mine on Mount Bross, hundreds of feet above. But time and unstable metal values forced the mill to close in 1951, after more than 50 years of operation. The mill was used again briefly during the 1970s by the Chiwawa Mines, Incorporated as a base for test drilling at the Paris Mine, but was effectively abandoned shortly thereafter.

Park County purchased the property in 2009, after completing planning work for the parcel. It is the intent of Park County upon completion of all environmental cleanup and historic preservation work to provide public access to the site. The public-private partners are interested in adapting the site for recreation and interpretation of mining history. Heritage tourism is an economic development strategy that relies on the continued use of historic resources to build a tourist-based economy. Once preserved and stabilized, the mill and associated 16-acre parcel will attract national and international travelers interested in exploring Park County's authentic heritage attractions. Potential uses of the site include the following:

- Campground and picnic area for climbers, backcountry skiers and mountain bikers;
- Interpretation opportunities and high-country mining museum;
- Mountain bike, ski, snowshoe and/or OHV rentals;
- Climbing or ski mountaineering guide services;
- Guided jeep tours to historic mines and natural sites;
- High altitude staging area for skiing, snow-shoeing, mountain biking, running, mountaineering and environmental field camps; and
- Organizational Retreats: Colorado Mountain Club, Colorado Arts Consortium, etc..

Park County completed the reclamation of the Paris Mill site through two separate State Brownfields HB-1306 Grants as described below. The site is currently construction

complete with respect to environmental reclamation/remediation. Final site closure consists of finalization of this Site Management Plan and the Environmental Covenant.

The site was approved by CDPHE under The Voluntary Clean up Program on September 2, 2009. Construction commenced immediately and the VCUP completion required two years to fully implement.

3.0 Voluntary Clean Up Program, Results and Remediation:

- 3.1 Source and nature of contamination. The primary hazard at the Paris Mill Site was determined to be lead, although other metals including cadmium, copper, iron, magnesium, mercury, silver and zinc are present in concentrations beneath recommended exposure levels. A 2007 Targeted Brownfields Assessment was conducted by CDPHE and indicated the presence of lead at concentrations greater than the CDPHE recommended commercial and residential property exposure level of 800 milligrams per kilogram (mg/kg) and 400 mg/kg standards, respectively.
- 3.2 Extent of contamination. The site had widespread and uncontained mine and mill tailings and associated waste rock outside and inside the Paris Mill building. Direct human contact with the soil (tailings and waste rock) posed a human and ecological risk through ingestion, inhalation and skin absorption.
- 3.3 Remedial objectives. The VCUP was implemented to meet five primary objectives:
- Safe long term recreational public use of the property.
 - Prevention of human contact with contaminated soils.
 - Reduction of infiltration into subsurface tailings.
 - Prevention of contaminated dust migration.
 - Prevention of erosion, and control of storm water run-on and run-off.
- 3.4 Results. (see Voluntary Cleanup Completion Report, Rocky Mountain Consultants, 2009, 2010, and 2011)

4.0 Site Maintenance and Inspection Plan:

- 4.1 Purpose. The purpose of this plan is to ensure maintenance of the completed work and protect the health and safety of recreational users of the Paris Mill Site.
- 4.2 Regular Inspections: The Paris Mill Site was inspected semi-annually from 2009 to 2012. Beginning in 2013, annual inspections must be conducted in the spring or early summer after the cessation of snowmelt and spring run-off, and after heavy summer storms, as needed. The inspection includes a visual inspection of the following site features:
- Access roads.

- Vegetation on the soil cap and other areas disturbed during site remediation. Ensuring that vegetation is not dead or dying, no erosion of cap or rills or gullies greater than 2-inches in depth.
- All drainage run-on and run-off structures for drainage control have no sedimentation or blockages that result in limited functioning.
- Areas disturbed by recreational use (sledding, skiing).
- Presence of excessive or noxious weeds as per HB90-1175; The "Colorado Weed Management Act".
- Presence of burrowing rodents.

4.3 Responsible party. The inspection(s) shall be completed by the Director of the Park County Office of Historic Preservation.

4.4 Reports. The Inspection Report (appendix A) shall be completed at the time of each inspection and maintained by the Park County Office of Historic Preservation.

4.5 Remedial Action. The Park County Office of Historic Preservation must take remedial action as needed as a result of following conditions:

- 4.5.1 If necessary, weed control must be conducted by the County during spring and summer months. This may be accomplished by mowing or hand cutting, or by chemical means.
- 4.5.2 Bare or disturbed areas must be reseeded if necessary. If needed, the site areas showing signs of settlement must have additional clean topsoil imported and regraded and seeded to maintain drainage. These areas must be marked off and access prevented to allow for vegetation establishment.

4.6 Environmental Covenant. The Park County Office of Historic Preservation shall control the following activities at the site in accordance with an environmental covenant with the State of Colorado. These may include but are not limited to the following:

- 4.6.1 There shall be no soil disturbance, excavation or modification of the cap or components of the performance and structures of the VCUP Remedial Action unless such action is taken in accordance with the *Modification* section of this covenant.
- 4.6.2 All storm water conveyances must be maintained as originally constructed for their functionality.
- 4.6.3 Surface water and ground water shall not be used for any purpose. In accordance with the SMP, waters contacting engineered features and structures must be routed away from the tailings impoundment and its contents.

- 4.6.4 There shall be no development, building construction, or agricultural use permitted on the impoundments; and
- 4.6.5 All remedial features constructed as part of the VCUP Remedial Action must be maintained and kept operational and effective as originally designed as per the approved SMP.

5.0 Stormwater Management and Inspection Plan:

- 5.1 Purpose. The purpose of this plan is to ensure maintenance of the completed work and protect the health and safety of recreational users of the Paris Mill Site.
- 5.2 Regular Inspections: The Site must be inspected annually, usually in the spring or early summer after the cessation of snowmelt and spring run-off, and after heavy summer storms, as needed. The inspection must include a visual inspection of the following site features:
 - Inspect condition and effectiveness of surface water run-on and run-off controls.
 - Ensure that there are no areas of flooding or standing water on site repositories.
- 5.3 Responsible party. The inspection(s) shall be completed by the Director of the Park County Office of Historic Preservation.
- 5.4 Reports. The Inspection Report (appendix A) must be completed at the time of each inspection and maintained by the Park County Office of historic Preservation.
- 5.5 Remedial Action. The County must take remedial action as needed as a result of following conditions:
 - If necessary, bare or eroded areas shall be regraded and reseeded to ensure proper drainage;
 - If necessary, repair to any of the storm water run-on or run-off controls.

708558

708558 7/31/2014 2:47 PM
15 of 15 NOTIC R\$81.00 D\$0.00

Debra A Green
Park County Clerk

Appendix A:

**Paris Mill Site
Site Maintenance and Stormwater Management Inspection Report**

Date of this Inspection _____ Time of Inspection _____

Site Maintenance Inspection

OK Not OK
(Note Issues Below)

- 1. Access Roads: Standing water or drainage issues _____
- 2. General Condition of Vegetation:
 - a. Presence of Bare spots _____
 - b. Growth in recently disturbed areas _____
- 3. Condition of surface water run-on and run-off controls
 - a. Deposition in drainage features _____
 - b. Erosion features not appear to be functioning _____
- 4. Areas Disturbed by passive recreational use _____
- 5. Areas Disturbed by trespass _____
- 6. Presence of Excessive/Noxious Weeds or Burrowing Rodents

- 7. Integrity of floor sealant within mill building _____

issues	_____
_____	_____
_____	_____

Stormwater Management Inspection **OK Not OK**
(Note Issues Below)

- 1. Surface water run-on and run-off controls: _____
- 5. Areas of Flooding or Standing Water _____

issues	_____
_____	_____

Signature _____ Print Name _____ Title _____ Date _____

Remedial Actions Taken or Required:

