



**Office of The Mayor  
Dana Williams**

March 2, 2006

Peggy Churchill  
Remedial Project Manager  
U.S.E.P.A., Region 8  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2465

RE: Biocell Proposal Comments

Dear Ms. Churchill:

The purpose of this correspondence is to communicate Park City Municipal Corporation's (PCMC) position on the biocell proposal that Park City and Dr. Fitch presented to the Silver Creek Stakeholder Group on January 13<sup>th</sup> 2006.


I would like to reiterate that the City remains committed to working within the stakeholder process for solving Silver Creek water quality impacts. Please see the attached summary of our responses to the biocell questions posed by the stakeholder members. Based on the comments received, PCMC does not believe there is enough support from USEPA, BLM, FWS, or UDEQ to move forward with the biocell project. Therefore, the City is willing to withdraw this proposal and participate in other feasible options that the stakeholders would prefer to pursue. To facilitate that goal, PCMC looks forward to future stakeholders meetings and discussions that have the potential of discovering common ground for improving the watershed. It remains the City's position that the proposed biocell project would have been a positive component to the watershed.

On a related matter, the Prospector Drain was not constructed as a public improvement nor does the City believe it "owns" the conveyance. There are some stakeholders that have insinuated that the City is the cause of historic mining impacts. However, similar to other stakeholders, the City inherited these environmental concerns that are currently being managed. Despite this position, the City has made every effort to work with the stakeholders group to find mutual ground to move forward and has invested \$5.8 million dollars in actual environmental remediation efforts within Silver Creek and East Canyon Creek Watershed. For this particular project, the City devoted resources for 27 months of sampling and monitoring and has retained excellent expertise for this wetland design.

Based on the comments submitted to the City, it appears that members of the stakeholders group would prefer a solution that meets the TMDL effluent limit standards. PCMC has never promoted this biocell proposal as an effort to meet the Silver Creek TMDL effluent limits. Furthermore, the City went on record on March 3<sup>rd</sup> 2004 with formal comments to UDEQ (John Whitehead) defining the reasons the TMDL effluent limit was unattainable. As a result, PCMC will not accept such restrictive standards for a situation that is not managed by the City.

The City would like to thank the respondents for their consideration in providing the City with the comments. I look forward to our meeting on March 15<sup>th</sup> 2006 when we can discuss other feasible options. As I have consistently communicated, the City is committed to practical solutions that improve water quality within the Silver Creek watershed. But if the consensus is to impose a TMDL effluent limit to this project, the City has no desire to attempt to achieve what we think is an unachievable goal. Thank you again for your consideration and the City looks forward to future discussions with the stakeholders group.

Sincerely,



Dana Williams, Mayor  
Park City Municipal Corporation

Enc. Park City Municipal Corporation – Response Summary and Dr. Fitch’s Comments

CC: Representative David Ure, District 53  
City Council  
Tom Bakaly, City Manager  
Bert Garcia, United States Environmental Protection Agency  
Dr. Brian Caruso, USEPA via email - [Caruso.Brian@epamail.epa.gov](mailto:Caruso.Brian@epamail.epa.gov)  
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Mo Slam, Utah Department of Environmental Quality  
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Glenn Carpenter, U.S. Bureau of Land Management  
Bill Duncan, Nature Works Remediation  
Al Mattes, Nature Works Remediation  
Dr. Mark Fitch, University of Missouri Rolla – Engineering Department  
Ron Ivie, Park City Building Official  
Mark Harrington, Park City Attorney’s Office  
Jeff Schoenbacher, Park City Municipal Corporation

JTS:

