



## MEMO

To: Doug Smith, Mike Davis  
From: Alane Boyd  
Cc: Dave Pitcher, Gerard Yates, & Sarah Johnson (Central Utah Water Conservancy District)  
Date: November 8, 2016

I have been doing some research into the Mayflower Tailings. I am trying to determine who has been involved in the various plans for reclamation on the site and what commitments were made with the development of Jordanelle Reservoir. Also, I am trying to identify alternatives that the County has in addressing development on the tailings. However, since a new proposal for the Marina parcel was submitted today which shows development off the tailings piles except for parking and recreation areas, these issues may be moot.

1. The Supplemental Document to the Final Environmental Impact Statement for the Central Utah Bonneville Unit clearly mentions reclamation at the Mayflower Tailings. There was an agreement between the Bureau of Reclamation and Mayflower regarding reclamation. It also suggests that if Mayflower does not complete reclamation, then the Bureau will do so. Page S-5 of the Supplement states, *"The mayflower site will be stabilized by the landowner. Reclamation has developed an agreement with the landowner to study the potential for consolidating and stabilizing both Olson/Neihart and Mayflower tailings at the Mayflower site without damaging the development capability of the Mayflower property. Should the Mayflower property owner fail to stabilize the tailings by initial reservoir filling, then Reclamation will stabilize the tailings through easement or purchase, as discussed in this supplement."*

I am in the process of trying to find the original Bureau & Mayflower Agreement through Central Utah Water Conservancy District. This document is important because it might show that the Bureau (Federal entity) has a vested interest in the tailings reclamation. It may also indicate that the State of Utah DWQ does not have the authority to modify the original reclamation without Bureau approval.

2. The Mayflower Tailings were not listed on the EPA's National Priority List (NPL, Superfund Sites), however, they may qualify as a Superfund Site now. The Supplemental Documents states, *"Both sites (Olson/Neihart & Mayflower Tailings) were proposed for listing on the National Priorities Listing in 1984. Recently, however, the Mayflower ponds were dropped from listing consideration (Chapter II), but it is anticipated that with the construction of the Mayflower ski resort or Jordanelle Reservoir, the Mayflower ponds could be relisted because of their potential impacts to the M&I water supply."*

The Jordanelle had not been constructed or filled and development had not been initiated in the Mayflower area when these statements were made. Given the proximity of the reservoir and the residential development that has occurred, the tailings may qualify as a Superfund Site. The County may or may not want the Mayflower Tailings listed on the NPL. Having them listed may allow the County to access grant money to assess the tailings and identify appropriate reclamation measures.

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3. The contaminant level of the tailings, specifically for lead, may preclude commercial or residential land use on the tailings. According to the Earthfax report, *Environmental and Geotechnical Considerations Associated with Development of the Mayflower Tailings Site, October 2016*, lead levels exceed the EPA's established screening levels for commercial land use. This also means that lead levels exceed screening levels for residential land use, since residential land use screening levels are lower than those for commercial development.
4. I spoke with Bill Rees with the Division of Environmental Response and Remediation (DERR), Superfund Branch about mechanisms the County may have to assess the chemical and structural issues with the tailings. There are two tools that may be of use to the County:
  - a. Brownsfield Funding - EPA provides environmental assessment services free of charge to communities through the Targeted Brownfields Assessment (TBA) program. Applications for grant funding are due in mid December for funding in Summer 2017.

Targeted Brownfields Assessments help communities reduce the uncertainties of environmental contamination and identify cleanup options. They do not pay for cleanup. TBAs are not grants, but rather assessments conducted by environmental consultants under contract funded by EPA at no cost to the community.
  - b. Voluntary Cleanup Program – The purpose of the program is to encourage the investigation and cleanup of sites where there has been a suspected or confirmed contaminant release threatening public health and the environment. The applicant pays all the costs for the assessment and cleanup. Voluntary cleanups can be tied to land use allowing for a risk-based approach to cleanup. In some instances, the development of the property may be a component of the remedy. A successful VCP cleanup results in the issuance of a Certificate of Completion (COC). The COC provides a limited release of liability to qualified applicants as specified in the statute. This may be something that the County requires Mayflower to participate in.

If you have any questions please feel free to give me a call.