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Senate Chamber
State of Colorado
Denver
SENATOR TOM J. WIENS

COMMITTEES:
Business, Labor &
Technology
Local Government
Senate Select Committee
on Homeland Security

February 14, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Governor Bill Ritter
State Capitol
Denver, CO 80203

Dear Mr. President and Governor Ritter,

I am writing today to urge you to proclaim an Emergency Declaration, in advance of the impact of an incident that threatens such destruction as could result in a major disaster for Lake County, Colorado and the Arkansas River Watershed. In addition, I am asking you to immediately direct the U.S. Bureau of Reclamation, the U.S. Environmental Protection Agency and the Colorado Department of Public Health and Environment to take all immediate and necessary steps to prevent the imminent and substantial threat to Lake County and the Arkansas River Watershed posed by the dangerous conditions at the Leadville Mine Drainage Tunnel located at the headwaters of the Arkansas River in Lake County, Colorado. The Declaration is necessary to provide direct federal assistance to meet critical emergency protection requirements before impact that would overwhelm the capability and capacity of state recourses. The Lake County Board of County Commissioners has declared today that a state of emergency exists.

Your direct involvement is necessary because the Bureau is refusing to adequately address this urgent situation. The Leadville Mine Drainage Tunnel, owned and operated by the Bureau, is experiencing a serious blockage. Behind this blockage sits a mine pool of approximately one billion gallons of toxic and heavy metal-laden water now almost 200 feet high. The resulting build up of water pressure behind the blockage presents a risk of catastrophic blow out. Such a massive release of toxic polluted water could result in severe loss of life and property and cause extreme damage to the ecosystem of the Arkansas River and its watershed.

The snowpack is rapidly building to historic levels. Huge amounts of water will be infiltrating the mine pool this spring. The mine pool hydraulic pressure against the blockage is extreme. The situation at the Leadville Mine Drainage Tunnel could mimic the 1976 Teton Dam disaster. The Teton Dam failure released 80 billion gallons of water resulting in fourteen lives lost and an estimated one billion dollars in environmental damage. The Teton Dam was also owned and operated by the Bureau.

The Bureau's own engineers have warned that if water was allowed to back up against blockages in the Leadville Mine Drainage Tunnel, the result could be a catastrophic failure. Never in the history of the Leadville Mine Drainage Tunnel have water levels behind the blockage been allowed to rise to present levels. In 2007, the mine pool rose an additional 12 feet in an 8-month period. With 10,000 gallons of sodium hydroxide stored adjacent to 10,000 gallons of sulfuric acid at the Leadville Mine Drainage Tunnel Treatment Plant, we are now threatened by an underground reservoir containing contaminated mine pool water and a possible catastrophic chemical release at this government owned facility.

The ground is moving in the Leadville Mine Drainage Tunnel and the Bureau reported in 2007 that two events occurred in the tunnel. During each event there was a loss of water flow at the portal of the tunnel and associated increase in turbidity. This means that the treatment plant can no longer control the mine pool because it cannot draw enough water away from it. The mine pool head will continue to grow. It is the belief of local officials that mine pool water is migrating to California Gulch and could contaminate the drainage with high levels of cadmium and zinc and pour into the Arkansas River below the Yak Treatment Plant. This mine pool water poses a potential threat to the public drinking water supply of Leadville and all water sources downstream.

The Lake County Board of County Commissioners convened a public meeting in October 2007 with the Bureau, the Colorado Department of Public Health and Environment, the Environmental Protection Agency, and other entities to address solutions to the immediate threat posed by the situation at the Leadville Mine Drainage Tunnel. The Bureau denied liability and took the position that it had no legal authority to address the issues. The Bureau continues to refuse to take immediate action despite requests to do so from the highest levels of the Environmental Protection Agency. In a letter dated November 8, 2007 from EPA Regional Administrator Robert E. Roberts to BOR Regional Director Michael Ryan) Mr. Roberts stated, "Due to the unknown condition of the tunnel blockages and the large volume of water behind the blockages, we are concerned that an uncontrolled, potentially-catastrophic release of water to the Arkansas River from the LMDT is likely at some point. Not only endangering human life (people living in the East Fork Trailer Park and BOR employees), the sudden release of water, rock, sediment, and heavy metals to the Arkansas River would be an environmental disaster."

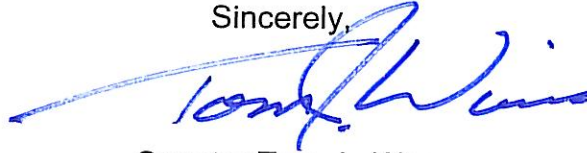
Furthermore, I am requesting that both of you, in your positions as President of the United States and Governor of Colorado, use your authority to force the U.S. bureau of Reclamation, U.S. Environmental Protection Agency and the Colorado Department of Public Health and Environment to take immediate action to dewater the mine pool immediately. We do not have any more time for studies! We can no longer tolerate the fact that the owner of the Leadville Mine Drainage Tunnel, the U.S. Bureau of Reclamation, continues to deny responsibility.

The Bureau must get the job done and protect the citizens of Lake County and this State by procuring the funds necessary to drill the wells, install the new pumps and dewater the mine pool. The treatment plant should be expanded, if necessary, to meet the flow requirements. The estimated cost of this project is five to ten million dollars. The potential cost of a catastrophic blowout is beyond comprehension and could result in the loss of human lives and immense environmental damage.

The agencies are mandated to protect the public and the environment. It is critical that you meet that mandate now. Elected officials, citizens, federal and state agencies must band together to ensure that the potential disaster of a Leadville Mine Drainage Tunnel blowout does not occur. You both have the authority and the responsibility to protect our people and the Arkansas River Watershed.

Action must be taken now. You are in a position to prevent what could be one of the most significant environmental catastrophes in the history of the American west.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom J. Wiens", with a long horizontal flourish extending to the left.

Senator Tom J. Wiens
Colorado Senate
District 4