



# Rico Voluntary Cleanup Program (VCUP)

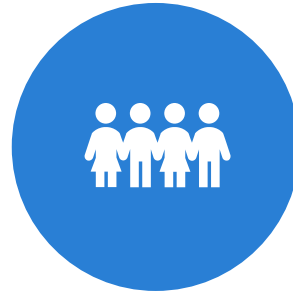
March 7, 2024

Rico Town Hall

# Meeting Ground Rules



Please wait to be called on during the Q&A, then quickly come to the mic



Please be respectful, no profanities, outbursts – or you will be asked to leave



Comments and questions will be limited to two minutes



Please do not interrupt presenters or members of the public

# VCUP Program in Colorado and Rico

- Over 1,500 VCUPs since program began in 1994, including VCUP projects where large housing developments have occurred
- VCUP based on existing or site-specific Risk Based Cleanup Standards
  - Risk Based Cleanup is a standard process for environmental cleanup projects. Cleanup standards are based on use – residential use will have strictest cleanup standard.
- Rico VCUP will protect public health and the environment by reducing exposure to lead soils.
- CDPHE will oversee the Rico VCUP, and EPA supports the Rico VCUP

# VCUP Program in Rico

VCUPs are common throughout the state and country

Town, AR and CDPHE have been discussing the VCUP for years; negotiations stalled in 2014; restarted in 2017

Separate from work AR is doing to address releases from the St. Louis Tunnel outside of Rico and past VCUPs in Rico

# Rico VCUP Program— Phase 1

AR conducts sampling at developed lots that have not yet been tested. AR will only conduct sampling with property owner permission. Property owners are encouraged to give permission. If not, owners risk not receiving benefits of the VCUP

AR completes remediation at developed lots and roads where testing shows lead in soils exceeds action levels

AR evaluates 20 previously remediated properties for testing where soil cap may have been disturbed, remediation if necessary

AR conducts sampling at undeveloped properties and puts sampling data in GIS database for property owner's future use

# Rico VCUP Program— Phases 2 & 3

Permit program for activities disturbing  
1 cubic yard or more of soil

Property owners responsible for conducting  
work, with technical support from Rico Soils  
Management Program and clean soil  
provided free of charge

AR provides oversight of Rico Soils  
Management Program contractor in Phase 2,  
Town provides oversight in Phase 3 with  
financial support from AR

# Rico VCUP Program—All Phases

Top 12” of soil with lead levels above the lead action level (LAL) removed, brought to repository location(s)

Fabric marker placed in excavation, 12” of clean soil placed on top

Disturbed area revegetated

Property owner maintains soil cap

AR provides money to Town to reimburse property owners for additional costs of program compliance (per a schedule based on volume of soil excavated)

AR also provides access to repository location(s) and materials such as clean soil and soil marker layer



# Rico VCUP Program—Roads

AR funds design and implementation of work to remediate unpaved road segments with lead above action level (same action level as residential properties)

Road remediation work will include addressing drainage to protect remediated road segments

Town and AR are working on the details, including scope of drainage issues to be addressed



# Where are we now?

## VCUP Application

- Town and AR jointly submitted VCUP application to CDPHE in April 2023; CDPHE approved the application in May 2023
- Describes the three phases of work
- Includes draft language for amendment to Rico Land Use Code to regulate lead soil management

## Funding Agreement

- Town and AR are negotiating a funding agreement
- Town and AR must finalize the funding agreement for the VCUP to be effective

## Columbia Tailings Site

- Topic of this Public Forum

# Where are we now? Continued

## Land Use Code Amendment

- Town will review and adopt amendments to Rico Land Use Code to regulate management of soil above action levels and ensure cleaned-up property stays clean
- These regulations are a VCUP requirement. They will ensure future development is protective and that the integrity of remediation work is maintained
- Town Board and Planning Commission have considered at public meetings but not yet adopted.

## Intergovernmental Agreement (IGA)

- Town and CDPHE will sign an agreement that will allow CDPHE to enforce lead soil management regulations as a backstop to Town enforcement

# Steps to Make VCUP Effective

Finalize and execute:  
--AR Funding Agreement  
--IGA with CDPHE

Finalize and adopt  
amendments to Rico Land  
Use Code to address  
management of soil above  
Lead Action Levels

Goal is to complete these steps in the  
second quarter of 2024

# Financial Benefits AR Will Provide to the Town

Payment for VCUP-related start-up expenses, including:

- Software to support implementation of Soil Management Regulations
- Purchase of water meter

Annual lump-sum payments that can be used for certain recurring VCUP-related expenses, including:

- Annual stipend of 25% of the Town Manager's salary
- Town Subcontractor to serve as liaison between Town and Soil Management Program Contractor when Contractor managed by AR

Town fund to reimburse property owners for costs of complying with Soil Management Program

Pay for Soil Management Program Contractor when Contractor managed by Town

Pay for remediation of surface of Town roads where lead concentration exceeds action level and address drainage to protect remedy

Fund engineering work for townwide stormwater management system and support for grant

Reimburse Town for certain costs, expenses, and attorney's fees related to implementation of Soil Management Regulations

Pay legal fees to develop VCUP, and legal and planner fees for adoption of amendments to Land Use Code

# Additional Benefits AR Will Provide to the Town

Sampling or payment for sampling of soil at properties not previously sampled

Remediation of developed properties with lead above action level

Maintenance of repository location(s) to accept soil with lead above action level

Technical assistance to property owners conducting excavation activities (help with permits, answer questions, provide guidance)

Provision of clean fill dirt and remediation materials such as fabric marker

GIS database showing soil sample results and remediation status of properties in Town

# Advantages of VCUP Program

AR provides financial support, technical support, and materials

In Phase 1, AR will remediate all developed lots in town that have lead above action levels

AR pays to remediate town roads that exceed residential lead action levels

Avoids EPA takeover; trains and allows the Town to manage the program

AR provides access to repository location(s) for soil exceeding action level

Protects public health and the environment

Will minimize unnecessary disturbance of town environment through phased approach



# VCUP Program Phase 1

Phase 1 –Starts in 2023 and continues until work is complete (field work planned for 2024 to 2026)

- AR samples unsampled lots\*
- AR remediates developed properties\*, if necessary
- AR provides key engineering support for townwide stormwater management plan/grants
- AR funds and Town supervises road remediation/part of stormwater

\*Only with consent of owner



# VCUP Program Phase 2

**Phase 2** – Starts at the same time as Phase 1 and continues for 3 years or until 15 properties are developed (whichever is longer)

- AR manages Soil Management Program Contractor to provide technical support, assistance and guidance to owners
- AR accepts lead soil at repository location(s), funds account managed by Town to pay incremental costs for owners, pay Town administrative costs
- Property owners comply with Soil Management Regulations, including requirements to remediate property and maintain soil cap as necessary

# VCUP Program Phase 3

Phase 3 – Starts when Phase 2 ends (after 3 years or after 15 properties are developed (whichever is longer))

- Town manages Soil Management Program Contractor
- AR continues to accept lead soil at repository location(s), funds account to pay incremental costs, pay other Town administrative costs
- Property owners continue to comply with Soil Management Regulations

# Summarizing VCUP Program Phases

- AR samples all unsampled lots\*
- AR remediates developed properties\*, if necessary
- AR provides key engineering support for townwide stormwater management plan/grants
- AR funds/Town supervises road remediation/part of stormwater

\*Only with consent of owner

**Phase 1** – Starts when agreements are signed and continues until work is complete (field work planned for 2024 to 2026)

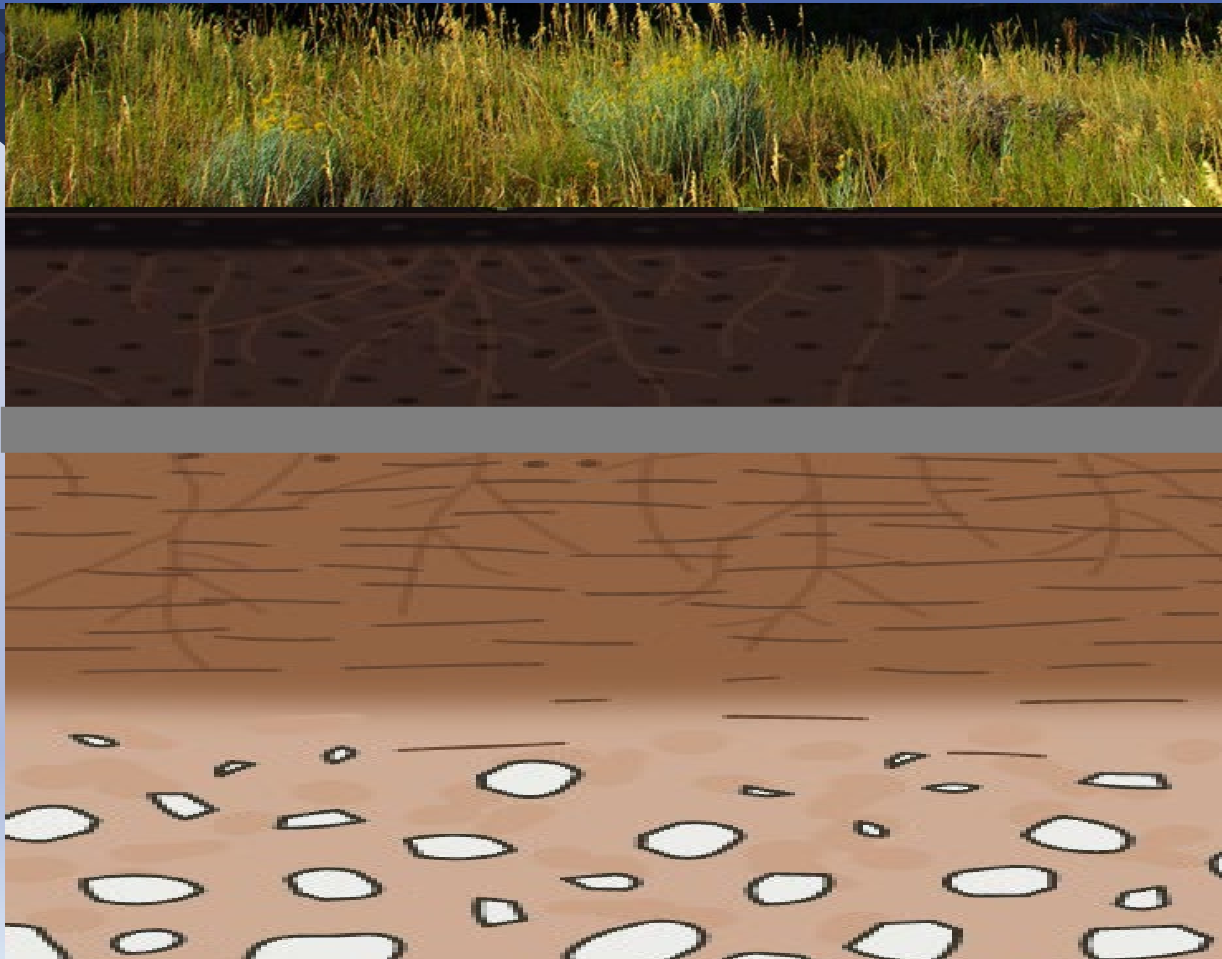
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# Summarizing Typical VCUP Remediation



Revegetation

12 inches of clean soil

Commercial-grade fabric marker

Deeper soil (may also include backfilled soil removed from top 12 inches that has lead levels above action level)

This is a summary - each property will have an individual site work plan

# Next Steps (each subject to approval of the Town Board at a public meeting)

Town and AR finalize and sign a funding agreement

Town and CDPHE enter into an Intergovernmental Agreement (IGA)

Town reviews and adopts ordinance to add Soil Management Regulations to Land Use Code (consistent with procedures and usual process)

# Q&A







# Columbia Tailings Voluntary Clean-Up Program (VCUP) Operations & Maintenance (O&M) Plan

March 6/7, 2024



# Columbia Tailings before the 1990's VCUP

- Columbia Tailings material contained an average lead concentration of 7,600 mg./kg.



## 1990's VCUP Actions

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- The Columbia Tailings, the site of historical mill tailings disposal, was originally cleaned up in the 1990's (VCUP site).
- The clean-up included:
  - Consolidation of approximately 13,000 cubic yards (CY) of tailings and waste rock on site.
  - Placement of lime and a 24-inch cap on top of the pile.
  - Installation of stormwater controls to include a riprap lined ditch, culverts, and a retention area; the site was also revegetated.
- After completion of the clean-up, the cap was damaged when the owner allowed it to be used in a manner inconsistent with the remedy.

# Current Conditions

- Depressions formed by settling and disturbance of the cover allow water to occasionally pool in the depressions and seep into the tailings.
- The orange-stained soil and orange water observed seeping from the site are likely caused by this water. Visible mine waste on the eastern site of the site may also be contributing factor.
- To address the impacts, AR implemented interim measures including installation of check dams and sandbags to provide for additional retention time for stormwater or seepage.



- Next steps include consolidation of exposed mine waste into the waste pile and regrading of the cap so that it drains to the west and then compacted to minimize infiltration.

# Path Forward for the Site

- Over two to three construction seasons, approximately 22,000 CY of impacted soil from roads and residential lots will be placed on site.
- The site will be graded with 4:1 side slopes, and a 24-inch clean soil cap will be placed over the impacted soil.
  - The final surface will be about 12 feet higher than it is now; but still about 25 feet lower than CO-145 to the east.
- New stormwater controls will be installed, and the retention area will be improved; the site will then be revegetated.
- Fencing will be removed at the end of construction; the site will be ready for future recreational use.
- An O&M Plan will be submitted to CDPHE for approval



# Site After Maintenance and Addition of Townsite VCUP Material

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