

April 5, 2012

Re: Smuggler Mountain Superfund Site – Compliance with Institutional Controls

Dear Property Owner(s):

In 1986, the U.S. Environmental Protection Agency declared the base of Smuggler Mountain a Superfund Site. This determination was made after investigations identified a possible threat to human health due to the presence of heavy metals (lead in particular) in the soil. While lead is typical in mountain soils, along with other naturally occurring metals, during the silver mining days of Aspen, concentrated deposits of waste material containing lead and other metals ended up at various locations in the area. A complete map of the Smuggler Mountain Superfund Site can be found online on both the Pitkin County Environmental Health Department and City of Aspen Environmental Health Department websites – at www.aspenpitkin.com. You are receiving this letter because you are a property owner within the site boundary.

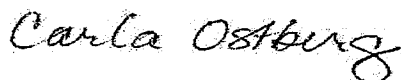
In 1995, a settlement between the U.S. Environmental Protection Agency and Pitkin County was reached which ended years of debate over how best to protect the health of residents of the site, as well as how best to protect the environment from releases of contaminants. The adoption of Institutional Controls, by both Pitkin County (Ordinance No. 94-15) and the City of Aspen (Ordinance No. 94-25), were a result of this settlement.

The Institutional Controls govern any development or other activity (including landscaping projects) on the site which may result in the disturbance of contaminated soils or other solid waste on the site. These controls also require that anyone excavating or exposing more than 1 cubic yard of soil obtain a *Soil Removal Permit* from the City of Aspen Environmental Health Department (if the work is being conducted in the City), or from the Pitkin County Environmental Health Department (if the work is being conducted in unincorporated Pitkin County). The permit is free and a detailed explanation of the permitting process and compliance requirements is available on the Departments' respective websites.

Both the City and the County are authorized to conduct site inspections to ensure compliance with the Institutional Controls and will initiate enforcement actions, if necessary. We encourage you to familiarize yourself with the requirements of these protective control measures and to contact the City (920-5039) or the County (920-5070), as applicable, if you have questions concerning any specific requirements on your property.

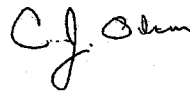
Sincerely,

PIKTIN COUNTY ENVIRONMETAL
HEALTH DEPARTMENT



Carla Ostberg, MPH, REHS
Environmental Health Manager

CITY OF ASPEN ENVIROMENTAL
HEALTH DEPARTMENT



CJ Oliver
Environmental Health Director