



City Council Staff Report

Subject: Mayor’s Legacy Mine Soil Roundtable

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Department: Sustainability

Date: April 27, 2023

Type of Item: Administrative

Recommendation

Review the work and deliberations conducted by the Mayor’s Legacy Mine Soil Roundtable (“Roundtable”) and consider providing direction based on feedback and recommendations.

Background

In January 2023, the Mayor launched a series of focused discussions around Park City’s mining history in relation to the City’s “Landscaping and Maintenance of Soil Cover” ordinance (“Soil Ordinance”) and the potential environment and human health impacts. The Roundtable was made up of knowledgeable community and residents stakeholders and professional staff, including:

Francisco Astorga, AICP Director of Planning and Economic Development, Bountiful City	Dean Berrett Berrett Mortgage, Prospector Square Property Owner’s Association	Ryan Blair, MPH, LEHS Environmental Regulatory Program Manager, Park City Municipal Corporation
Phil Bondurant, PhD, MPH Health Director Summit County	Joan Card, JD Facilitator Attorney, Culp & Kelly, LLP	Michelle Downard Resident Advocate, Park City Municipal Corporation
Tom Gadek, PhD Chemist, Co-Founder, MCAL Therapeutics	Sherie Harding, PhD Paleontologist-Ichnologist Department of Geology and Geophysics, University of Utah	Nell Larson, MEM Executive Director, Swaner Preserve and EcoCenter
Margaret Plane, JD City Attorney, Park City Municipal Corporation	John Russell, PG Environmental Hydrogeologist, Stantec	Adam Strachan, JD Attorney, Strachan, Strachan & Simon, PC

The purpose of the Roundtable was to create an informal and open discussion of Park City’s mining history, particularly our legacy and the need for proactive and professional management of potentially contaminated soil. To this end, the Roundtable engaged in detailed discussions about Park City’s existing Soil Ordinance and in-depth conversations about mining history, geography and jurisdictional boundaries, federal and state requirements, and potential enhancements.

The Roundtable also reviewed the recommendations of the previous community soils review – the *2013 Blue Ribbon Commission on the Soil Ordinance & Disposal Options*, in the context of regulatory changes and community sentiment over the last decade.

The Roundtable had four sessions, each with a small presentation introducing the topic and a series of questions to facilitate discussion. Topics included:

- Park City's Mining and Milling History.
- The Park City's Soil Ordinance.
- The Future of Municipal Soil Disposal Needs.
- Overarching discussion about the EPA and DEQ in Park City; and
- Recent update to State Environmental Disposal Regulations.

Questions asked of the Roundtable:

Session 2 Soil Ordinance Deep Dive

1. Should the City be more proactive with education and outreach about mine-contaminated soil and the ordinance?
2. Should the soil ordinance name be changed?
3. Should the City provide soil testing to residents?
4. Should the City bring back the Topsoil assistance program for residents?
5. Should the City be more proactive with education and outreach about mine-contaminated soil and the ordinance?
6. What additional resources do residents and businesses need to comply with the ordinance?
7. How should the City address non-compliance with the soil ordinance?

Session 3 Mining Sites/Ordinance Boundary

1. Should the soil ordinance boundary be expanded to include Woodside, Daly, and Marsac/Ontario Ave. residential areas?
2. Should the soil ordinance boundary be expanded to include Empire Canyon areas?
3. What criteria or information should be considered for potential boundary expansion?

Session 4 Future Soil Strategy

1. Should the soil ordinance be revised to include alternatives to the current requirement that all soil transported from the boundary must be disposed of at a regulated facility?
2. Should the City work with EPA to pursue the development of a soil repository for City project legacy mine soil?
3. If so, should the City provide access to any new repository space for legacy mine soil from private development projects within the soil ordinance boundary?
4. How proactive should the City be in negotiating/working with EPA?

Future Considerations

The April 27, 2023, Study Session is an opportunity for the Mayor and Council to review, discuss, learn from the Roundtable, and ultimately provide feedback. The Roundtable members plan to provide their insights to the Council directly and have offered their ongoing support as the community continues to work on the impacts of our mining legacy proactively.

Specifically, the Roundtable identified several areas for your consideration:

1. Consider revising the City's ordinance to reflect updated and modernized State environmental regulations. The State of Utah recognizes that non-hazardous contaminated waste could be responsibly reused within a regulated and professionally managed disposal facility ([R315-303-4\(4\)\(b\)\(i\)](#)).
2. Consider revising Park City's Soils Ordinance boundary and thoughtfully explore boundary expansion driven by a voluntary sampling program and risk assessments.
3. Consider exploring "leveling the playing" field between all applicable parties. For example, evaluate how the Soils Ordinance impacts commercial and residential development projects, including uniformity in enforcement across the Old Town, Prospector, and Commercial development zones.
4. Consider exploring additional community outreach and educational programs to facilitate better compliance with the Ordinance and enhance resident knowledge of Park City's underlying mining history.

Funding

No funding request, yet \$20,000 was proactively requested by the Soils Management Team in the FY24 budget process to contemplate a new community soils sampling program.

Exhibits

- A Legacy Mine Soil Roundtable PowerPoint Presentation
- B Roundtable Participant Comments