



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 20, 1999

Larry Perino
Reclamation Manager
Sunnyside Gold Corporation
P.O. Box 177
Silverton, CO 81433

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Mr. Perino:

This letter responds to your April 27, 1999 letter to Larry Reisman of the Toxics Release Inventory Branch in which you ask for guidance concerning the applicability of Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) to a closed mining facility. Specifically, your letter states that Sunnyside Gold Corporation's Sunnyside Mine has been closed since August 1991. In fact, the milling operation for this facility (the Mayflower Mill, located about seven miles from the mine portal), was also closed in 1991. According to your letter ownership of the mill building and milling equipment was transferred in 1996 and the mill property is now operated as an interpretive tour and museum facility by the new owners. Finally, your letter states that no resumption of mining or milling is being contemplated.

However, according to your letter, site activity since 1991 has been geared toward final site reclamation and release from all permits associated with the property. Your letter provides that in 1998 this included operation of a mine drainage water treatment facility, construction of water diversion structures, monitoring and maintenance of reclamation sites, and environmental monitoring. You also state that future work will include additional reclamation of mine and tailings facilities, and may include offsite reclamation projects with relocation of waste material to the tailings pond facility. Finally, in your letter you provide that a Bureau of Census analyst, with whom you spoke, opined that the above stated activities taking place at this facility do not fall under Standard Industrial Classification (SIC) Major Group 10.

Based on all of the above representations regarding the status, as well as the activities taking place at the Sunnyside Mine, this facility does not appear to be primarily engaged in mining activities, as those activities are described in the SIC Manual. If the "final site reclamation and release from all permits" activities described above do not include any of the mining activities described in Major Group 10 of the SIC Manual, then the Sunnyside facility would not fall under SIC Code 10 - Metal Mining, and this facility would not have to consider the requirements of EPCRA Section 313 based on that particular SIC Major Group.

I hope this information is helpful to you. If you have any other questions, or desire further information, please call either Larry Reisman at 202.260.2301 or me at 202.260.9592.

Sincerely,

- 

Maria J. Doa, Ph.D., Chief
Toxics Release Inventory Branch