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# STATE OF COLORADO

## EXECUTIVE CHAMBERS

136 State Capitol  
Denver, Colorado 80203-1792  
Phone (303) 866-2471



Richard D. Lamm  
Governor

## EXECUTIVE ORDER

REQUIRING INVESTIGATION AND/OR PROSECUTION OF VIOLATIONS OF THE LAW RELATED TO, EFFECTING, ARISING OUT OF, CONNECTED WITH, OR CONTRIBUTING TO THE ACTUAL, SUSPECTED OR POTENTIAL POLLUTION, CONTAMINATION, DEGRADATION OR ENDANGERMENT OF THE PUBLIC HEALTH, WELFARE, ENVIRONMENT OR NATURAL RESOURCES WITHIN THE JURISDICTION OF THE STATE OF COLORADO FROM THE YAK TUNNEL OR CALIFORNIA GULCH DRAINAGE

WHEREAS, section 24-31-101(a), C.R.S. (1973) provides that the Attorney General shall prosecute and defend all actions and proceedings, civil and criminal, in which the state is a party or is interested when required to do so by the Governor; and

WHEREAS, Executive Order No. D0038-83, issued December 9, 1983, ordered the Attorney General of Colorado to pursue all necessary actions to initiate and pursue on behalf of the State of Colorado claims and/or actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. secs, 9601 to 9657 ("CERCLA") related to the sites and/or facilities listed within Executive Order No. D0038-83, which included the Yak Tunnel and California Gulch drainages; and

WHEREAS, recent information received and inspections performed by the Colorado Department of Health have disclosed grounds to suspect that long-standing public nuisances and/or violations of federal and state environmental laws at the Yak Tunnel and California Gulch drainages are contributing to the endangerment of public health and welfare, and contamination of the environment;

## E X E C U T I V E   O R D E R

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DRAINAGE

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NOW THEREFORE, I, Richard D. Lamm, Governor of the State of Colorado, pursuant to the authority vested in me by the Statutes and Constitution of Colorado, DO HEREBY ORDER the Attorney General of Colorado to take all necessary action on behalf of the State of Colorado, in consultation with the Colorado Department of Health, to investigate all known, suspected, or potential violations of the laws of the State of Colorado (including its common law), and laws of the United States that may be enforced by the State of Colorado, related directly or indirectly to, effecting, arising out of, connected with or contributing to the known, suspected, or potential pollution, contamination, degradation, or endangerment of the Yak Tunnel or California Gulch drainage environment or natural resources within the jurisdiction of the State of Colorado by past or present activities or practices at the Yak Tunnel or California Gulch Drainage and to prosecute in any court or competent jurisdiction as deemed appropriate by the State of Colorado through civil and/or criminal actions, specifically including action(s) on behalf of the State of Colorado pursuant to 42 U.S.C. sec. 6972 (Federal Resource Conversation and Recovery Act), and/or 33 U.S.C. sec. 1365 (Federal Water Pollution Control Act), such actual or suspected violations.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this 24th day of June,  
A.D. 1986.



Richard D. Lamm  
Governor

