



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

February 12, 2019

Sylece Andromeda
PO Box 598
Cripple Creek, CO 80813

Re: Response to Citizen Complaint CT-02, Cresson Project, Permit No. M-1980-244

Dear Sylece Andromeda:

The Division of Reclamation, Mining and Safety (Division) received your complaint letter (CT-02) on October 26, 2018, on the Cresson Project, Permit No. M-1980-244, operated by the Cripple Creek & Victor Gold Mining Company (CC&V). The Division received the same letter via email on October 22, 2018. The Division informally responded to you regarding Item #1 of the letter via email on October 23, 2018. The Division has formally addressed each of your numbered items below. The original item has been copied to this letter and is italicized for your reference. The Division's response follows each item in regular font.

Herein, all references to the Act and Rules refer to the Colorado Mined Land Reclamation Act, 34-32-101 *et seq.*, C.R.S. (Act), and to the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Hard Rock, Metal, and Designated Mining Operations (Rules). Copies of the Act and Rules are available through the Division's web site at www.mining.state.co.us.

1. As they are a matter of public record, I would like to request that a copy of Permit M-1980-244, as well as Amendments 1, 2, 3, 10, 11, & 12 be added to DRMS's Laserfiche system as I am unable to find any of the aforementioned amongst the variety of Technical Revisions, inspection reports, and reports from CC&V that are hosted on Laserfiche.

Copies of the Amendments 10, 11, and 12 and all associated adequacy review and adequacy responses are in Laserfiche (the Division's imaged document management system). These documents can be found at <https://dnrweblink.state.co.us/drms/search.aspx?cr=1>. A user guide to Laserfiche can be found at <https://mining.state.co.us/SiteCollectionDocuments/Laserfiche%20User%20Guide.pdf>. The Division recommends you search for the applicable documents by searching for M1980244 in the "Permit No" field and include AM10, AM11, or AM12 in the "Type & Sequence" field.

As for Amendments 1, 2, and 3, the Division only has access to the documents which have been scanned and are in Laserfiche. However, the Division is currently scanning numerous boxes from the State Archives into Laserfiche which may contain documents associated with these amendments. Please note, the Cresson Project permit has been amended 12 times and CC&V for each subsequent amendment has more or less superseded and replaced the previous. The Division recommends you review Amendment 11 and 12 documents for a complete record of the currently permitted activities.

2. Pursuant to permit M-1980-244, CC&V is obliged to sample seven surface water locations, as well as various ground water compliance locations, on a quarterly basis. I am requesting the data for the Period of Record. This includes GV-01 surface location that is no longer monitored.



The Division has attached the Document Imaging CD/DVD Request Form. Please fill out this form, include payment and return to the Division to obtain an electronic copy of the requested documents. The Division can also provide hard copies of these documents available for pick-up at our office for \$0.25 per page. Since these documents will be downloaded from Laserfiche, the Division recommends you access and save these files as a PDF for free from Laserfiche.

3. Following CC&V's movement into Poverty Gulch, and the Schist Island Pit, the town of Cripple Creek has experienced not only a significant increase in noise, but also in visible particulate emissions. I would like to request a copy of all Air Quality monitoring data from the area, particularly silica, nitrogen oxides (NOX), sulphur oxides (SOX), and PM-10. If there is no data, I would like to be informed as to why a large mining project in near proximity to towns is neglecting to monitor for dust emissions.

The Division does not have a copy of the requested data as the Act and Rules do not require Operators to submit this data to the Division. Please contact the Air Quality Control Division of the Colorado Department of Public Health and Environment to assist you in your request.

4. Arequa Gulch Valley Leach Fill (AGVLF) Pad permitted elevation and as-built elevation, Squaw Gulch Valley Leach Fill (SGVLF) permitted elevation and as-built elevation, as well as permitted elevations and as-builts for the East Cresson Overburden Storage Area (ECOSA).

The permitted maximum elevations of the Arequa Gulch Valley Leach Facility (AGVLF) is 10,425', the Squaw Gulch Valley Leach Facility (SGVLF) is 10,425', and the East Cresson Overburden Storage Area (ECOSA) is 10,960'. Currently, as of February 5, 2018, the elevations of the AGVLF is 10,400', SGVLF is 9,950', and the ECOSA is 10,760'.

5. Where is CC&V's current vibration compliance monitoring being conducted in Cripple Creek and is any monitoring being conducted of structures within the City, or were any pre-blast surveys performed? Where is CC&V's current dust compliance monitoring being conducted in Cripple Creek?

The permit requires a permanent seismograph monitor at the permit boundary tangential to the City of Cripple Creek to monitor blasting activities associated with the development of the North Cresson Mine area. As for the dust compliance monitoring locations, please contact the Air Quality Control Division of the Colorado Department of Public Health and Environment to assist you in your request, however, the Division understands that one of CC&V's PM-10 stations is near Poverty Gulch adjacent to the City of Cripple Creek.

6. In Colorado, and the Western US in general, water use is a large issue. I know that CC&V brings water to site. I am requesting the amount of water brought to site for water years 2016, 2017, and 2018. I understand that CC&V may not disclose the quantities of water once it enters the site; however, I believe it is my right as a citizen of the area to be aware of the quantities of water they use monthly.

The Division does not maintain records regarding the amount of water brought to the site in 2016, 2017, or 2018 as the Act and Rules do not require Operators to submit the yearly amount of water used at the site.

7. On the morning of October 16, 2018, viewing from the front porch of my home, I observed multiple large fountains of what I presume to be cyanide solution spraying from the top of AGVLF. I know the bench heights are approximately 100 ft, and from the picture it would appear that one of the sprays is at least 50 feet high. In the past I have gone about this assuming that it is as permitted; however, after reviewing the documents on Laserfiche and learning that there may be no ponding larger than 3 ft by 3 ft, I am concerned about potential

environmental and health hazards associated with large cyanide sprays and how far wind is able to carry them. (Please see associated photographs taken from my porch.)

On October 25, 2018, CC&V provided the Division with an explanation to the observations you provided. CC&V stated the observed spray was due to a broken mister from excessive cold overnight temperatures. The broken mister was attached to a 4 inch feeder line, resulting in solution being sprayed vertically from a 3/4 inch hole. CC&V identified the broken mister on the morning of October 16, 2018 and repairs were completed early in the afternoon. To prevent similar cold-related issues in winter moving forward, CC&V replaced misters with drippers. Additionally, the Division conducted a normal monitoring inspection of the Cresson Project on October 30, 2018, and observed no problems or issues with the leaching activities on top of AGVLF.

8. Questions I asked of CC&V's Mr. Brad Poulson in April 2018, which he summarized in a May 30th email and have yet to be addressed consist of: Where is CC&V's current vibration compliance monitoring being conducted in Cripple Creek and is any monitoring being conducted of structures within the City?; Where is CC&V's current dust compliance monitoring being conducted in Cripple Creek?; What is the permitted height/elevation of the VLF1 and what is the actual height elevation? Please reference attached copy of email from Mr. Poulson. No further communication was received from him regarding these questions.

These questions within Item #8 are addressed above.

This concludes the Division's response to your October 26, 2018 complaint letter (CT-02). If you need additional information or have any questions, please contact the Division.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Attachment: Document Imaging CD/DVD Request Form

ec: Russ Means, DRMS
Michael Cunningham, DRMS
Tim Cazier, DRMS
Amy Eschberger, DRMS
Mike Schaffner, DRMS
Justin Raglin, CC&V