



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

July 29, 2021

Melissa Harmon  
Cripple Creek & Victor Gold Mining Company  
P.O. Box 191  
Victor, CO 80860

**Re: Adequacy Review #2, Revision No. TR127  
Cresson Project, Permit No. M-1980-244**

Dear Melissa Harmon,

On July 27, 2021, the Division received your response to the Division's May 14, 2021 Adequacy Review of Technical Revision (TR127) for the Cresson Project, File No. M-1980-244. The Division has reviewed your responses and has determined the following items need to be addressed prior the approval of TR127. Please respond to this Adequacy Review #2 with the requested information and summarize each response to the numbered items below, in a cover letter titled "Adequacy Review Response #2 TR127, M-1980-244". Please provide responses no later than one week before the decision date.

- The Operator references both Section 3.3 of Exhibit G and Section 18.1 of Exhibit U for LDS criteria, notes, and additional considerations. Upon review of TR-127 and these sections of AM-13, the Division cannot find a discussion about reporting LDS data to the Division. It appears this data had been submitted to the Division in the past on an annual basis, but 2020 has yet to be received. To ensure a timelier submittal and to verify that weekly sampling is occurring, the Division suggests committing to providing LDS data on a quarterly basis, potentially as a section of the Quarterly Ground Water and Surface Water Report.*

**Newmont Response:**

Pending DRMS approval, as discussed with DRMS via video conference on June 22, going forward, CC&V will submit the scanned inspection forms to DRMS on an annual basis.

**DRMS Response:**

At this time, the Division is not requesting the scanned inspection forms for each of the fifteen LDS of VLF1 and currently the four LDS of VLF2 on annual basis. Rather, the Division expects the Operator to provide a LDS Monitoring Data Report which includes a summary table similar to the LDS Monitoring Data Reports previously submitted to the Division in accordance with prior permit commitments. The summary table should include, at a minimum: the LDS Number, Inspection Date, Inspection Time, Sample Taken, Reason for No Sample, Volume Pumped, CNWAD concentration, and pH. Please commit to providing a LDS Monitoring Data Report in this manner. Please also specify the date when the annual LDS Monitoring Data Report will be submitted each year and specify what period of time the report will cover.



6. *Under the Permit Criteria for the HVSCS, the Operator states a reporting scenario will be when the average liquid level monitoring data in the PSSA exceeds 80 percent of the total capacity of the PSSA for 72 hours or more. Please address the following:*
  - a. *Please define the average liquid level monitoring data. The Division understands this data should be coming from the one standpipe transducer at the PSSA (except for VLF1 Phase 5) and should not be averaged with the level readings of the pressure transducers on the pumps due to pump drawdown.*
  - b. *The proposed reporting timeframe of 72 hours is acceptable to the Division for VLF1 Phases 1, 4, and 5 PSSA given the way these facilities were constructed, i.e., if the total capacity were to be exceeded, solution would flow internally in the VLF1 to another PSSA. The 72 hour timeframe will give the Operator the operation flexibility to reduce the pond level during an exceedance of 80% on these PSSAs. However, as VLF1 Phase 2, VLF2 Phase 1, and the future VLF2 Phase 3 PSSAs are the lowest PSSAs within the facilities, the Division treats these PSSAs as critical aspects of the Environmental Protection Facility and a reporting timeframe in accordance with Rule 8.1 is needed. Whereas, when the standpipe transducer level data in the PSSA exceeds 80 percent of the total capacity of the PSSA for 24 hours or more, the Division would consider this an imminent failure scenario and a verbal notice will be required within 24 hours after a sustained exceedance for 24 hours.*

**Newmont Response:**

As discussed with DRMS via video conference on June 22, the average liquid level monitoring data is gathered from well levels. The well levels are utilized to accurately monitoring PSSA levels outside the pumping cone of drawdown.

CC&V agrees to report an exceedance of 80% PSSA level if sustained for 72 hours for VLF 1 Phases 1, 4, and 5.

CC&V disagrees exceeding 80% of PSSA levels at VLF 1 Phase 2, VLF 2 Phase 1, and/or future VLF 2 Phase 3 is imminent failure. The 80% threshold is a conservative threshold for reporting in an effort to notify DRMS of an upset condition which may eventually lead to imminent failure of the facility without corrective action in a 72 hour period. The proposed 72 hour reporting period is based on infiltration rates for the VLFs. To reach 100% PSSA capacity, infiltration without pumping for an additional 153 hours (over six more days) would have to occur following the 72 hour reporting period.

**DRMS Response:**

As discussed with CC&V via video conference on June 22, during the June 24 monitoring inspection, and via video conference on July 12, CC&V would submit a demonstration which calculates the amount of time it would take for the PSSA solution volume to rise from 80% to 100% without pumping and therefore would help justify a permit criteria reporting timeframe. CC&V states this would occur at 153 hours after the proposed 72 hour reporting period. This statement, indicating a 20% consumption of PSSA volume would take 225 hours, is not a demonstration. Please provide a demonstration on how this number was calculated. When calculating this time, the Division requires the Operator to include the 100-year/24-hour storm as additional volume that consumes some of the 20% PSSA volume. Please note, permit documents

state the leaching rate for VLF2 is 17,000 gpm, 20% volume of the PSSA (at 35% ore porosity) is 33,240,000 gallons, and the modeled 100-year/24-hour storm is 3.5 inches.

**New Adequacy Item(s):**

8. To help reduce confusion within the permit file by having portions of TR127, and associated adequacy review responses, revising portions of AM13, the Division requests CC&V submit attached updated/revised/replacement sections of Exhibits G (3.3 *Phase 3 PSSA*) and Exhibit U (18.1 *Events Requiring Reporting*).

This concludes the Division's second adequacy review of TR127. This letter shall not be interpreted to mean that there are no other technical inadequacies in your revision as other issues may arise when additional information is supplied. Please be advised the Cresson Project Technical Revision TR127 may be deemed inadequate, and the request may be denied on **July 29, 2021**, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to respond, the Division can grant an extension of the decision date following a request to do so by the Operator.

If you have any questions or need further information, please contact me at (303) 866-3567 x8132.

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Ec: Justin Raglin, CC&V  
Michael Cunningham, DRMS