

**STATE OF
COLORADO****Cunningham - DNR, Michael** <michaela.cunningham@state.co.us>

CC&V Points of Compliance

1 message

Justin Raglin <Justin.Raglin@newmont.com>

Fri, Jul 30, 2021 at 4:21 PM

To: Michael Cunningham <michaela.cunningham@state.co.us>

Hi Michael,

I wanted to confirm our earlier conversations and CC&V's decision not to send a technical revision with points of compliance at this juncture.

Specifically:

- The groundwater in the vicinity of the Cresson Project has not been classified by the WQCC. DRMS rules protect the existing uses of such groundwater, and is only concerned with further lowering of groundwater quality.
- CC&V has not violated conditions of its DRMS permit affecting groundwater, and does not believe there is reasonable potential for degradation of groundwater quality from its operations that adversely affects existing or reasonably potential future uses of groundwater. We note that prior to requiring a modification to a permit, DRMS is required to provide the operator with evidence of a reasonable potential for degradation of groundwater quality.
- Setting points of compliance is a complicated exercise, and requires consideration of multiple factors, including the classified use (if any), geologic and hydrologic characteristics of the site, toxicity, mobility, and persistence of the contaminants used or stored at the facility that could reasonably be expected to be discharged, the potential of the site as an aquifer recharge area, and technical and economic feasibility.

Therefore, it is not feasible for CC&V to determine whether and where to locate points of compliance through a technical revision or other permit modification at this time. CC&V also requests the opportunity to continue its discussions with DRMS, and address DRMS' concerns.

Thanks,

Justin

**Justin Raglin**

SUSTAINABILITY & EXTERNAL RELATIONS MANAGER

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8/2/2021

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