



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

October 1st, 2021

Richard Mittasch
Grand Island Resources LLC
P.O. Box 3395
4415 Caribou Rd
Nederland, CO 80466

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing
Cross Gold Mine; Permit No. M-1977-410**

Mr. Mittasch:

On September 21, 2021, the Division of Reclamation, Mining and Safety (Division) was notified by the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division (WQCD) of significant non-compliance at the Cross Gold Mine with regard to the effluent limitations of your discharge permit, including for cadmium, copper, lead, silver, and zinc. WQCD has sent you multiple compliance advisory letters since the pattern of violations began in May of 2020, the last of which, was sent on August 20, 2021, requesting you provide an explanation of the cause of the non-compliance and the actions and measures you have taken or will be taking to abate the non-compliance. To date, the Division has no evidence the surface water quality issues documented at the site have been abated.

The Division believes this is a violation of:

C.R.S. 34-32-116(7)(g) and Rule 3.1.6(1) for failure to minimize disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quantity or quality of water in surface and groundwater systems both during and after the mining operation and during reclamation.

Therefore, the Division has reason to believe that a violation exists to the Colorado Mined Land Reclamation Act, C.R.S. § 34-32-101 *et seq.*, and the provisions of your Permit No. M-1977-410, and has scheduled this matter to appear before the Mined Land Reclamation Board (Board).

A Formal Public Hearing will be held during the **November 17-18, 2021** Board meeting for consideration of the possible violation. The hearing will be held at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on November 17th or as soon thereafter as the matter can be considered.

In order to be considered at the hearing, all exhibits, materials and witness testimony you wish for the Board to consider must be submitted via email to the Board Administrator, Camie Mojar at Camille.mojar@state.co.us, no later than 5:00 p.m. on November 5, 2021.

Please note the meeting format is subject to change due to the impacts of COVID-19. You will be notified as soon as possible of any changes to the meeting format. If you have good cause not to appear



in person you may submit a request to the Board to appear virtually (via ZOOM). To do so, please submit an email to the Board Administrator no later than 5:00 p.m. on November 5, 2021 for Board consideration. If approved, you will receive an authorization code to attend the hearing via ZOOM. Please note that only Parties and those who will be testifying may attend via ZOOM. All other interested persons may attend the hearing via the Board's YouTube Channel at:
<https://www.youtube.com/channel/UCDrrAO8bIPFIOWce-yH1fWA>.

If the Board finds a violation at this hearing, it may issue a Cease and Desist Order, and/or assess a Civil Penalty in the amount of \$50.00 to \$200.00 for each day of violation, pursuant to C.R.S. 34-32-124(7). Pursuant to C.R.S. 34-32-124(6)(a), the Board may suspend, modify, or revoke the permit. If you have evidence indicating that the possible violation noted above does not exist or has been corrected, please provide it to the Division as soon as possible or bring it to the hearing. Any information to be considered by the Board during the hearing must be received by the Division on or before November 5, 2021.

The Board's agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Board administrator, Camie Mojar by telephone at 303-866-3567, ext. 8136 or by email at Camille.Mojar@state.co.us, on the Monday prior to the Board Hearing to confirm exactly which day your item will appear before the Board.

If you have any questions about this letter or the hearing, you may contact Amy Eschberger by telephone at 303-866-3567, ext. 8129 or by email at Amy.Eschberger@state.co.us.

Sincerely,



Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7018 2290 0001 8923 5012
Return Receipt Requested

cc: Amy Eschberger, DRMS
Michael A. Cunningham, DRMS
Russ Means, DRMS
Jeff Fugate, AGO
Jacob Dyste, CDPHE, WQCD