

November 30, 2021

James Murray and/or Current Principle
High Mountain Mining Company, LLC
3040 S Vallejo Street
Englewood, Colorado 80110
DRMS Permit No. M1985029
arrakis.inc@gmail.com

RE: CDPS Discharge Permit Evaluation for Alma Placer Mine: Request for Information

Dear Mr. Murray,

The Colorado Department of Public Health and the Environment, Water Quality Control Division (WQCD) is sending this letter to High Mountain Mining, LLC regarding the Alma Placer Mine located next in Park County, Colorado. The division requires more information to determine whether discharges to water of the state from the proposed facility may be subject to coverage under the Colorado Discharge Permit System ("CDPS") or other requirements.

WQCD is requesting the following information in order to determine whether a CDPS permit is required for the Alma Placer Mine, specifically as to whether the facility discharges to groundwater with a direct hydrological connection to surface water. Please respond with answers to each of these questions by **January 15, 2022**. You may email your response to meg.parish@state.co.us.

Applicable Law

- Colorado Water Quality Control Act, section 25-8-501(1), C.R.S., states that "no person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the division for such discharge..."
- Colorado Water Quality Control Act, section 25-8-202(7)(b)(1), C.R.S., establishes that the division may not require a permit or otherwise regulate discharges to groundwater under the jurisdiction of the Colorado Division of Mining, Reclamation, and Safety (DRMS) but that WQCD "shall be solely responsible for the issuance and enforcement of permits authorizing point source discharges to surface waters of the state affected by such discharges."
- Colorado's discharge permitting regulations, 5 CCR 1002-61, ("Regulation 61") require that WQCD permit discharges to all receiving waters, not just the first receiving waters. As such, if a discharge to groundwater has a direct hydrological connection to surface water, it is a discharge to surface water under the CDPS permitting system and requires a surface water permit.¹

¹ See, e.g., Western Sugar facility, Fort Morgan, No. C00041351 (discharge to groundwater permitted as a surface water discharge since 2009); Gunnison County, Town of Somerset, No. C00048873 (discharge to groundwater permitted as a surface water discharge since 2013); Brue Capital Partners LLC Frost Creek Clubhouse WWTF (Adams Rib) No. C00049036 (formerly groundwater permit COX631010, issued as a surface water permit in 2019); Glen Echo LLC No. C00000009 (issued as a surface water permit in 2014); Confluence Apartments No. C00049003 (remediation dewatering permit for surface water discharge, point of compliance is the point of injection from shallow alluvial UIC well).

Requests for Information

1. A narrative description of all activities at the site.
2. A map of all stormwater flows and runoff from the Alma Placer Mine site and associated direction of flows, and whether any stormwater runoff enters any surface waters, including but not limited to the Middle Fork of the South Platte River, any wetlands, or any streams or tributaries, even if ephemeral.
3. A map showing the system of all ponds at the Alma Placer Mine site in relation to all nearby surface waters, including but not limited to Middle Fork of the South Platte River, any wetlands, or any streams or tributaries, even if ephemeral. Distances in feet to the Middle Fork and all surface waters, even if ephemeral, should be included.
4. A description of each pond on the site, its purpose, whether the pond is lined, and all waters contributing to the pond, including groundwater.
5. Whether any mining activities (including exploration) at the Alma Placer Mine are taking place or have taken place (within the last 5 years) in any surface waters or creek/stream bed, including but not limited to Middle Fork of the South Platte River, any wetlands, or any streams or tributaries, even if ephemeral. If yes, please describe these activities.
6. Whether any mining activities at the Alma Placer Mine are taking place or have taken place (within the last 5 years) within the alluvium of the Middle Fork of the South Platte River, any wetlands, or any streams or tributaries, even if ephemeral. If yes, please describe these activities.
7. Any hydrological studies you have conducted regarding discharges from the Alma Placer mine ponds and the results of those studies. Please submit these studies as attachments to your response.

Thank you for your cooperation in this matter. If you have general questions regarding this matter, please contact me at 720.432.3046 or meg.parish@state.co.us.

Sincerely,

Meg Parish
Permits Section Manager
Phone 303.692.3419 | Cell 720.432.3046
4300 Cherry Creek Drive South, Denver, CO 80246
meg.parish@state.co.us

CC: Ginny Brannon, DRMS Director, gabby.brannon@state.co.us
Russ Means, Minerals Program Director, DRMS russ.means@state.co.us
Elliott Russell, DRMS, elliott.russell@state.co.us
Jason Musick, DRMS jason.musick@state.co.us
Erin Scott, WQCD Permits Unit Manager, erin.scott@state.co.us
Kelly Morgan, WQCD Enforcement Unit Manager, kelly.morgan@state.co.us

