

STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Comments on Cross and Caribou Mines application M1977410, discharge permit CO0032751

Dunlap, Kate <DunlapK@bouldercolorado.gov>

Fri, Jan 14, 2022 at 7:00 AM

To: Michael Cunningham - DNR <michaela.cunningham@state.co.us>, Jacob Dyste - CDPHE <jacob.dyste@state.co.us>

Cc: "Taddeucci, Joe" <Taddeuccij@bouldercolorado.gov>, "Wilson, Meghan" <WilsonM@bouldercolorado.gov>, "Wind, Michelle" <WindM@bouldercolorado.gov>, Erin Dodge <edodge@bouldercounty.org>, "Eschberger - DNR, Amy" <amy.eschberger@state.co.us>

Dear Mr. Cunningham and Mr. Dyste,

Please see the attached letter to DRMS and WQCD from the City of Boulder regarding Grand Island Resources Amendment application for Permit No. M-1977410 and Discharge Permit No. CO0032751. . Please contact me at dunlapk@bouldercolorado.gov or 303-413-7402 if you have any questions. We appreciate the opportunity to comment.

Thank you,

Kate

Kate Dunlap**Water Quality Project Manager**(she/ella [Why Pronouns Matter](#))**City of Boulder
Utilities**dunlapk@bouldercolorado.gov

(303) 413-7402

Public Works – Utilities Department

[5605 N. 63rd Street](#) | Boulder, CO 80301[Bouldercolorado.gov/water](https://bouldercolorado.gov/water)**DRMS_WQCD_M1977410_Comments_City_of_Boulder.pdf**
339K



City of Boulder Utilities

January 14, 2022

Michael A. Cunningham
Colorado Division of Reclamation and Mining Safety
Colorado Department of Natural Resources

Jacob Dyste
Water Quality Control Division
Colorado Department of Public Health and Environment

**Subject: Cross and Caribou Mines, DRMS File No. M1977410 Amendment AM02;
WQCD Discharge Permittee CO0032751**

The City of Boulder (City) is submitting these comments regarding Grand Island Resources, LLC's (GIR) application for an amendment to Colorado Division of Reclamation and Mining Safety (DRMS) Permit No. M1977410 (Application) and Water Quality Control Division (WQCD) Discharge Permit No. CO00032751. The Application proposes to increase their permit area of disturbance and conduct other mining-related activities at the Cross and Caribou Mines (Mines).

The City opposes this application due to repeated and significant violations of GIR's discharge permit (CO0032751), a pattern of lack of transparency, and GIR's failure to communicate critical issues to DRMS, WQCD, and downstream water providers including the City and nearby residences who rely on well water.

The City also supports the recent Cease and Desist Notices of Violation issued by both WQCD and DRMS. The City urges DRMS, WQCD, and Boulder County to hold GIR accountable for their actions.

Water in Barker Reservoir, which is located approximately four miles downstream from the Mines' discharges, is a critical water supply for the City. To ensure protection of the City's critical water supply, the City respectfully requests that DRMS deny the Application, and that both WQCD and DRMS maintain the Cease-and-Desist orders prohibiting any mining-related activities at the Cross and Caribou Mines until:

- A thorough analysis has been conducted to determine whether downstream residential wells have been contaminated by the heavy metals discharged from the Mines.
- A reliable and long-term water treatment system has been installed to remove heavy metals, sediment, and other contaminants from the mine effluent (to the level that supports stream water quality standards and beneficial uses), and the treatment system has proven to be effective based on certified laboratory water quality analyses.
- A surface water and groundwater sampling and analysis program has been established and

approved to assess Coon Track Creek water quality upstream and downstream from the mine effluent discharge point. We request this program be a requirement of the mine's discharge permit and that data be made readily available to stakeholders quarterly or upon request.

- An adequate financial warranty for both long-term water treatment and site cleanup has been approved by DRMS to ensure longer-term protection of the area if GIR were to abandon the Mines and discontinue treatment.
- A Stormwater Management Plan for the permitted site has been developed, reviewed, and approved by DRMS and WQCD.
- GIR consistently demonstrates regular factual and transparent communication with DRMS, WQCD, and Boulder County, and refrains from any illegal or unapproved activities on-site.

The City understands that the current water treatment system at the Mines has been in place since 1977 and, following the Caribou Mine's Idaho Tunnel portal collapse in 2019, can no longer adequately treat Mine effluent prior to discharge. In a February 2020 meeting between the City and Mine representatives, City staff learned that effluent treatment was a top priority for the Mine and the company was soliciting contractor bids to address water quality compliance issues. The city also understood that the Mine was working to obtain LiDAR data, hire a consultant, and develop a hydrogeologic sampling and analysis plan to develop a Mine Stormwater Management Plan.

Since that time, however, the Mines have not implemented any water treatment system improvements, surface or groundwater monitoring programs, or Stormwater Management Plans for the site to the City's knowledge. Available environmental records indicate the site has continued to be out of compliance with its water quality discharge permit since 2019 (*see Figure 1 below*). In May 2020, for example, mine effluent cadmium levels exceeded the allowable limit under GIR's permit by 223% and lead levels exceeded the limit by 176%. Such violations are of particular concern in ephemeral streams such as Coon Track Creek where Mine discharge can comprise 100 percent of the streamflow at certain times of year.

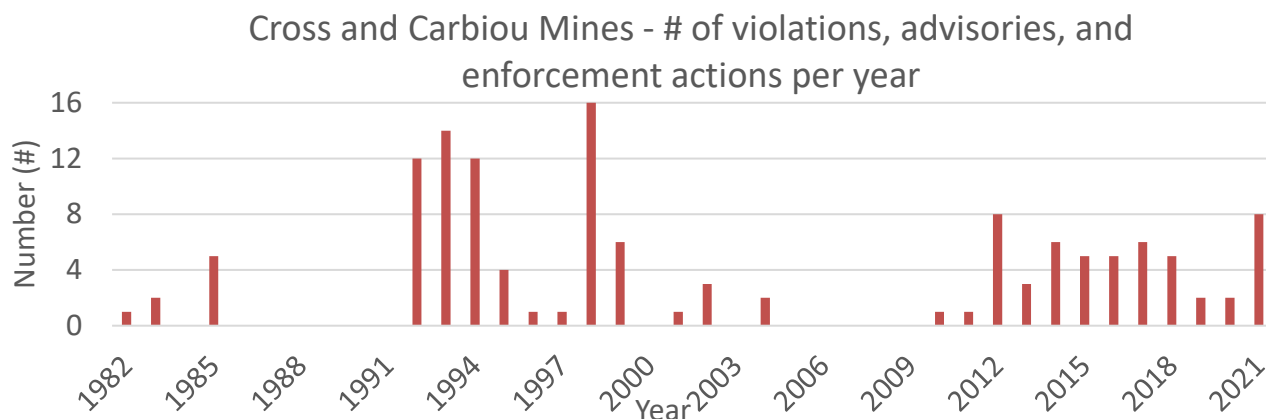
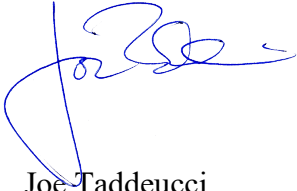


Figure 1: Number of Compliance Advisories, Enforcement Actions, Orders for Penalty, and Notices of Violation/Cease-and-Desist Orders at the Cross and Caribou Mines since 1982. Data compiled from publicly available environmental records at <https://cdphe.colorado.gov/environmentalrecords>.

The historic record of non-compliance reflected in Figure 1 combined with recent unapproved alterations, such as pond-relining and installation of a pilot treatment system¹, have increased the City's water quality concerns. Therefore, the City supports the continuation of the Cease and Desist orders and respectfully requests consideration of the above bulleted list by DRMS, WQCD, and Boulder County prior to approving any new permits or amendments to permits.

Sincerely,



Joe Taddeucci
City of Boulder Director of Public Works – Utilities

cc: Kate Dunlap, City of Boulder Source Water Quality Project Manager
Meghan Wilson, City of Boulder Water Quality Manager
Leila Behnampour, City of Boulder Assistant City Attorney
Michelle Wind, City of Boulder Drinking Water Program Supervisor

¹ December 15, 2021, Cease-and-Desist Hearing (<https://www.youtube.com/watch?v=AT8syxe5PVo>)
