



September 26, 2023

Ms. Lori Smith
Cripple Creek & Victor Gold Mining Company
P.O. Box 191
Victor, CO 80860

RE: Division Adequacy Review No. 2; Technical Revision 136 (TR-136) Numeric Protection Level Recommendations, Permit No. M-1980-244

Dear Ms. Smith,

On July 31, 2023, the Division of Reclamation, Mining and Safety (Division/DRMS) received your responses to the Division's Preliminary Adequacy Review, dated May 30, for Technical Revision 136 (TR-136). After review of the responses the Division has the following list of items that need to be addressed by the Operator.

1. While the Division acknowledges the Applicant performed an exploratory data analysis, the lack of Quality Control (QC) and Quality Assurance (QA) for the data set used needs additional explanation on possible impacts to conclusions drawn from the data.

Until 2021 there has been little to no QA/QC sampling performed at the site. Field duplicate samples and QC samples are collected as a means of assessing quality control from the point of sample collection through all analytical processes and/or for later laboratory analysis. It is not appropriate to utilize the information as another data point in the statistical analysis for the NPLs. During a review of the data, were laboratory reports reviewed and were reporting and detection limits compared to evaluate consistency? Please provide an explanation as to why the data is of sufficient integrity without having evidence that appropriate QA/QC protocols were followed to assure a sufficient foundation exists to support the conclusions drawn from the data.

2. While the Applicant has received Water Court Decrees for reduced water infiltration at the site from the Division of Water Resources, DRMS presumes that those decrees do not specifically address the possibility of increasing concentrations of constituents directly related to the decrease of infiltration. Please provide copies of the Water Court Decrees 02CW122 and 10CW31.
3. The Applicant quotes Adrian Brown's February 2012 potential impacts and conclusions. Can the predicted impacts to the Carlton Tunnel discharge be verified?



4. Setting of the NPLs is intended to be a one-time exercise, not something that is routinely updated as monitored parameters increase. Currently it appears the Operator will have to revisit the NPL concentration levels as continued lining activities occur at the site. Given that lining of the basins has reduced groundwater recharge in some basins and taking into account recent decreases in average annual precipitation, does the Operator anticipate a continued increase in concentrations and can the Operator model what future concentrations may be?

This concludes the Division's Adequacy Review No. 2 of TR-136 Proposed Numeric Protection. The Division reserves the right to further supplement this document with additional items and/or details as necessary.

On September 20, 2023 the Division received your extension request to extend the decision date for TR-136 from September 30, 2023 to October 30, 2023. **The Division hereby approves the extension request to October 30, 2023.**

If you need additional information or have any questions, please contact me by telephone at **303-866-3567 x8114**, or by email at patrick.lennberg@state.co.us.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

cc: Katie Blake, CC&V
Johnna Gonzales, CC&V
Tony Matarrese, CC&V
Michael Cunningham, DRMS
Elliott Russell, DRMS
Tim Cazier, DRMS
Nikie Gagnon, DRMS
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