



February 1, 2024

ELECTRONIC DELIVERY

Mr. Elliott Russell
Environmental Protection Specialist
Colorado Department of Natural Resources
Division of Reclamation, Mining and Safety
Office of Mined Land Reclamation
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: Permit No. M-1980-244; Cripple Creek & Victor Gold Mining Company; Cresson Project;
Technical Revision 140 – Second Adequacy Review Response

Dear Mr. Russell:

On January 26, 2024, Newmont Corporation's Cripple Creek and Victor Gold Mining Company (CC&V) received the Division of Reclamation, Mining and Safety (DRMS) Second Adequacy Review of Technical Revision (TR) 140 to Permit M-1980-244, regarding the VLF2, Phase 3 Stage A.2 Record of Construction Report. Below are DRMS comments in bold and CC&V's responses in *italics*.

Record of Construction Report

- 1) **General Quality Control:** Pursuant to Rule 7.3.2(2), the purpose of this certification report is to "confirm that the facility was constructed in accordance with the approved design plan." The responses received on January 24th cited 10 clerical errors as whole or partial explanations to comments posed in the Division's January 17th review. In addition, there are still either errors or omissions in the drawings provided in the January 24th response (see comments below). The Division works diligently to review and approve CQA Reports in a timely manner. The most recently reviewed CQA reports contain similar errors and omissions that have led to delays in the review process. Please provide a summary overview of your internal review process for ensuring the documents submitted to the Division reflect actual constructed conditions. This assessment should include how deviations to the approved designs and specifications are determined and how agreed upon CQA standards, such as the 100-foot maximum survey interval for leak detection pipe installation are considered in the CQA process.

A variety of review processes are employed when preparing CQA reports to be submitted to DRMS. These include checking results against technical specifications and against other included reports, either by hand or using tools such as Microsoft Excel or AutoDesk Civil 3D when appropriate. General reviews, looking for clerical errors or inconsistencies are also performed before submittal. Given the extensive nature of these reports, often being over 1,000 pages long, some minor errors and omissions can go unnoticed even after these reviews. In the future, the Engineer will consider the use of a third-party reviewer prior to submission to minimize errors or omissions.

Project Deviations are accepted when it is determined by the Engineer that the intent of the design has not been compromised, and the adequacy of the design element is supported by the totality of available data and field observations, even when data gaps might be present.

- 2) **Leak Detection Survey Drawings:** The 100-foot maximum spacing was agreed to in TRs 122, 123 and 125. This standard is not subject to erosion or relaxation based on field interpretation, averages or an arbitrary ten percent error acceptance. Based on these responses, the Division further investigated the two survey drawings related to the LDS installation alignment, specifically JHL Leak Detection Trench 1 and Trench 2 As-Built Exhibits. Rather than depending on the survey point data provided, the Division measured the distances on the drawing and found additional anomalies: Close scrutiny of the survey points on the drawings when compared to the number of horizontal bends shown, resulted in multiple additional bends unaccounted for by the survey points. This raises three additional concerns: A) How are the additional bends in the horizontal alignment justified if there are no survey points to validate these bends? B) At least two segments on the Leak Detection Trench 2 exceed the 110-foot spacing argued in the response was an acceptable error (the measured distance between #206 and #207 is 119 feet and that between #218 and #219 is 112 feet); and C) Given the additional bends shown on the survey drawings, the individual segments are longer than indicated in the table; resulting in flatter slopes than represented, or calculated by the Division and presented in our January 17th review letter.

A new survey point (Point #228) was included in the revised JHL Leak Detection Trench 2. The first question is why was this point omitted from the initial submittal? Secondly, the additional survey point begs the question of how many more undisclosed survey points were collected by JHL (or others).

The Division cannot accept JHL Leak Detection Trench 1 and Trench 2 As-Built Exhibits until these issues are addressed. All horizontal bends must be accounted for and each of those bends must have a top of pipe elevation to accurately assess the as- constructed grade at which these leak detection pipes were installed.

The Technical Specification 01050 Construction Staking, Part 1 General, 1.5 Construction Certification Documentation, B. Submittals By Contractor Upon Completion of Work states "Leak Detection Trench plan view showing the limits of the valley leach facility, leak detection trench alignment, and leak detection sumps, with elevations every approximate 100-feet". This technical specification regarding survey point frequency for LDT has remained materially unchanged since being issued for permitting in 2019 and has been reviewed by DRMS. Given the language of the specification, the intervals between elevations included in the Stage A.2 ROC drawings, which exceed the approximate horizontal interval of 100 feet by no more than 10 percent, can reasonably be said to have fulfilled the requirement. Additionally, the average horizontal distance between survey points is 71.60 feet for the lower LDT1 and 93.5 feet for the upper LDT2, demonstrating that the survey does not lack resolution.

Based on the northings and eastings provided in ROC Drawing Number 4, the distance between points 206 and 207 is 108.7 feet and the distance between points 218 and 219 is 108.3 feet. This method is consistent with previous methods used by DRMS to check distances between points.

The omission of point 228 in the original submission was a clerical error by the contractor that was realized and corrected during the process of responding to the first adequacy review.

- 3) **Leak Detection Plan & Profile Drawings:** Comments 5 and 10 in our January 17th letter were tied together as Figures 5 and 6 (the Leak Detection Plan & Profile Drawings) were intended to explain project deviations related to the installation of the leak detection pipe. The information added to the revised Figures 5 and 6 is incomplete and illegible. The segment slopes are presented on the plan view in a very small font, obscured by the multiple layers of topography contours. Common civil engineering practice is to place the specific slope identifiers in the profile view to avoid this issue. In addition, the notes in the plan view citing where the pipe was installed in in-situ fill or bedrock do not adequately convey the beginning and end of these segments; either due to leader lines being obscured by background topography contours or other information. This information as well should be presented in the underutilized profile view. Please revise and re-submit Figures 5 and 6 with this information critical in assessing the project deviations placed in the profile view.

Figures 5 and 6 have been updated to make the slope labels legible between the points and have been uploaded at the link provided.

- 4) **Drain Cover Fill Isopach Drawings 1 and 2:** Comment 9 in our January 17th letter flagged the error of representing thicknesses as elevations on these two drawings; requiring the tables on these drawings be revised by replacing “elevation” with “thickness”. Of the six references to “elevation” on these two drawings, only two were changed to “thickness”. Please correct the other four instances and resubmit the revised drawings.

The revised drawings have been uploaded at the link provided.

Should you require further information, please do not hesitate to contact Johnna Gonzalez at (719)851-4190, Johnna.Gonzalez@Newmont.com, or myself at (719) 237-3442 or Katie.Blake@newmont.com.

Sincerely,

DocuSigned by:

Katie Blake

5A3D013B629844B...

Katie Blake

Sustainability & External Relations Manager
Cripple Creek & Victor Gold Mining Co

EC:

M. Cunningham – DRMS



T. Cazier - DRMS
J. McBryde – Teller County
J. Gonzalez – CC&V
K. Blake – CC&V
N. Townley – CC&V

Attachments: Drain Cover Fill Isopach Drawings 1 and 2
Figure 5 Leak Detection Trench 1
Figure 6 Leak Detection Trench 2

Discovery:\\CC&V\\S&ER Environmental\\Correspondence\\DNR\\DRMS\\Outgoing\\February 2024