



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

August 21, 2024

Mr. Ben Langenfeld, P.E.  
Lewicki & Associates, PLLC  
3375 West Powers Circle  
Littleton, CO 80123

**Re: Recertification Process Tailings Storage Facility and Increase of Financial Warranty,  
Gold Hill Mill, Permit No. M-1994-117**

Mr. Langenfeld:

On July 31, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) received your letter informing the Division that the Operator, Colorado Milling Company, was unable to meet the commitment deadline for the Tailings Storage Facility (TSF) made as part of the approval of the Designated Mining Operation (DMO) conversion application CN-1, approved on February 7, 2024.

As approved with CN-1, the TSF is a designated Environmental Protection Facility containing tailings material requiring recertification or final reclamation. During the October 2023 pre-operation inspection of the site, the Division noted several issues with the liner of the TSF, including, but not limited to, holes in the liner and animal burrows in the embankments. In adequacy review response no. 4, dated January 26, 2024, the Operator committed to providing an evaluation as to whether the TSF can be recertified. If not, or if there is insufficient capacity for further use, then closure would take place. The Operator committed to providing this evaluation no later than August 1, 2024. This commitment was part of the Division's rationale for approval of the conversion application. The Division will grant additional time to supply the required evaluation.

In addition, the Division has not received the required surety increase from CN-1. The existing Financial Warranty held for the operation is insufficient to reclaim the site according to the approved Reclamation Plan. Pursuant to Rule 4.2.1(1) all Financial Warranties shall be set and maintained at a level which reflects the actual current cost of fulfilling the requirements of the Reclamation Plan. The Division has increased the required surety for the operation from \$77,546.00 to \$110,697.00, an increase of \$33,151.00, pursuant to Rule 4.2.1.

The Division ordered amendment of the current Financial Warranty, or submittal of a new Financial Warranty reflecting the increase, and the date for satisfying the TSF commitment by submitting the required evaluation **are due within sixty (60) days from the date of this letter, October 20, 2024.**



Failure to post the additional required Financial Warranty and/or failure to submit the required TSF evaluation within sixty (60) days may result in the Division pursuing enforcement actions.

If you have any questions, please contact me by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert; DRMS

ec: Ben Langenfeld, Lewicki & Associates, PLLC, [benl@lewicki.biz](mailto:benl@lewicki.biz)