



COLORADO
Department of Public
Health & Environment

June 25, 2025

Richard D Mittasch
Grand Island Resources LLC
12567 W Cedar Drive, Suite 110
Lakewood, CO 80228

Certified Mail Number: 7022 3330 0001 8504 7326

RE: Service of Operator Certification Notice of Violation, Number: OW-250625-1

To Whom It May Concern:

Grand Island Resources LLC is hereby served with the enclosed Operator Certification Notice of Violation ("ORCNOV"). This ORCNOV is issued by the Division pursuant to authority given to the Division by §25-9-110(3), C.R.S., of the *Water and Wastewater Facility Operators Certification Statute* ("Statute"). The Division bases this ORCNOV upon findings that Grand Island Resources LLC violated the Statute as described in the enclosed ORCNOV.

Pursuant to § 25-9-110(3), C.R.S., Grand Island Resources LLC is required, within 30 calendar days of receipt of this ORCNOV, to submit to the Division an answer to each violation alleged in the ORCNOV.

This ORCNOV could result in the imposition of civil penalties. The Division is authorized pursuant to §25-9-110(5), C.R.S., to impose a penalty of up to \$300 per day for each day during which a violation of the Statute occurs.

Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this ORCNOV or the issuance of additional enforcement actions.

Should you or representatives of Grand Island Resources LLC desire to discuss this matter informally with the Division, or if you have questions regarding the ORCNOV, please do not hesitate to contact me at (303) 692-3290 or jacob.dyste@state.co.us.

Sincerely,

Jacob Dyste, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Richard D Mittasch, Grand Island Resources LLC
Stephanie Meyers, EPA Region 8
Erin Dodge, Boulder County Public Health
Kate Dunlap, City of Boulder Utilities



Patrick Lennberg, DRMS
Aimee Konowal, Watershed Section, CDPHE
Kelly Morgan, Compliance & Enforcement Section, CDPHE
Alex Hawley, Grants and Loans Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Clayton Moores, Field Services Section, CDPHE
Erin Scott, Permits Section, CDPHE
Eric Mink, Clean Water Enforcement Unit, CDPHE
Veronica Kenkel, Data Management Workgroup, CDPHE
Jessica Morgan, Facility Operators Program, CDPHE





COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

OPERATOR CERTIFICATION NOTICE OF VIOLATION

NUMBER: OW-250625-1

IN THE MATTER OF: **GRAND ISLAND RESOURCES LLC**
 CDPS PERMIT NO. CO0032751
 BOULDER COUNTY, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's Water Quality Control Division ("Division") by §25-9-110(3), C.R.S., the Division hereby makes the following findings and issues this Operator Certification Notice of Violation ("ORCNOV"):

GENERAL FINDINGS

1. At all times relevant to the alleged violations cited herein, Grand Island Resources LLC ("Grand Island Resources") was a Wyoming Foreign Limited Liability Company in good standing and registered to conduct business in the State of Colorado.
2. Grand Island Resources owns and/or operates the Cross and Caribou Mine, located at approximately 39.9781, -105.5722, near the Town of Nederland, Boulder County, Colorado ("Facility").
3. The Facility discharges treated wastewater associated with the Cross and Caribou Mines, which have produced gold, silver, copper, zinc, and lead. Wastewater from the Cross and Caribou Mines is directed to a series of lined ponds. Wastewater from both mines is directed to Pond 1, where it is pumped to a treatment facility for filtration using bag filters and media pressure vessels. The treated wastewater is directed to a shed for effluent monitoring prior to discharge to Coon Track Creek through Outfall 001A.
4. The Facility is the subject of the Colorado Discharge Permit System ("CDPS"), Permit Number CO0032751 ("Permit"). The current version of the Permit became effective on April 1, 2014 and is currently administratively continued.
5. The Facility includes an "industrial wastewater treatment facility" as defined by §25-9-102(4.7), C.R.S., and its implementing regulation, 5 CCR 1003-2, §100.2(9).

Failure to Have an Appropriately Certified Operator in Responsible Charge ("ORC")

6. Pursuant to §25-9-110(2)(a), C.R.S., and 5 CCR 1003-2, §100.10.1(a), no owner of an industrial wastewater treatment facility shall allow the facility to be operated without the direct supervision

of an operator in responsible charge (“ORC”) certified in a classification equivalent to or higher than the classification of the facility.

7. Pursuant to 5 CCR 1003-2, §100.10.4, each owner of a wastewater facility shall submit in writing to the Division, no later than 30 days following the date the facility is initially placed on-line and, thereafter, no later than 30 days after changes to any of the following information:
 - a. Name, mailing address, phone number, and email address (if available) of the facility legal representative providing the information;
 - b. Full legal name and operator identification number of certified ORC(s);
 - c. Identification of the facility or facilities for which each certified ORC has responsibility;
 - d. The CDPS permit or certification number for all facilities listed.
8. Pursuant to 5 CCR 1003-2 §100.7.2, the Facility’s industrial wastewater treatment facility is classified as “Class C”.
9. On March 22, 2024, the Division received a change of contact form from Grand Island Resources, updating the Facility’s ORC. The change of contact form listed John Rinko, operator ID number 106487, as the Facility ORC.
10. According to Colorado Certified Water Professionals records, John Rinko, operator ID number 106487, holds a “Class D” industrial wastewater treatment certification.
11. On July 5, 2024, and again on November 29, 2024, the Division sent Grand Island Resources a Compliance Advisory - Treatment Operator Certification Incorrect Classification letter. These two compliance advisories were sent as a courtesy to advise Grand Island Resources of the requirements to operate the Facility under the supervision of a certified ORC with the proper classification.
12. As of the date of this ORCNOV, Grand Island Resources has failed to provide the Division with information or documents demonstrating that the Facility is being operated under the direct supervision of an ORC, holding a valid certificate at a classification equivalent to or higher than Class C for Industrial Wastewater Treatment.
13. Grand Island Resources’ failure to operate the Facility under the supervision of a certified ORC with the proper classification constitutes violation(s) of §25-9-110(2)(a), C.R.S., and 5 CCR 1003-2, §100.10.1(a).

REQUIRED ACTION

The Division hereby orders Grand Island Resources to comply with the following specific terms and conditions of this ORCNOV:

14. Within 30 calendar days from the date of this ORCNOV, Grand Island Resources shall retain an ORC certified in classifications equivalent to or higher than the classifications of Grand Island Resources’ industrial wastewater treatment facility (“Class C”) in accordance with the Water and Wastewater Facility Operators Certification Requirements, 5 CCR 1003-2.
15. Within 45 calendar days from the date of this ORCNOV, Grand Island Resources shall submit to the Division the information specified in 5 CCR 1003-2, §100.10.4, documenting that the Facility is

being operated under the supervision of an ORC with the proper certification(s). The attached Change of Contact form may be used to report the required information. *(Please note that the Facility's future classification(s) may change upon completion of any Facility improvements.)*

NOTICES AND SUBMITTALS

16. For all documents, plans, records, reports and replies required to be submitted by this ORCNOV, Grand Island Resources shall submit an original or an electronic copy to the Division:

Original copies shall be mailed to:

Jacob Dyste

Colorado Department of Public Health and Environment

Water Quality Control Division

Mail Code: WQCD-CWE-B2

4300 Cherry Creek Drive South

Denver, Colorado 80246-1530

Telephone: (303) 692-3290

Electronic copies shall be emailed to:

jacob.dyste@state.co.us

17. For any person submitting documents pursuant to this ORCNOV, that person shall make the following certification with each submittal:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

POTENTIAL CIVIL PENALTIES

18. You are also advised that any owner of a water treatment facility, a domestic or industrial wastewater treatment facility, a wastewater collection system, or a water distribution system in the State of Colorado who violates the Water and Wastewater Facility Operators Certification Statute ("Statute") at §25-9-110(2), C.R.S., shall be subject to a civil penalty of not more than \$300 per day for each day during which such violation occurs. By virtue of issuing this ORCNOV, the State has not waived its right to bring an action for civil penalties under the Statute at §25-9-110(5), C.R.S., and may bring such action in the future.

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

19. Pursuant to §25-9-110(3), C.R.S., you are required to submit to the Division an answer to each alleged violation. The answer shall be filed no later than 30 calendar days after receipt of this action.

20. Pursuant to §25-9-110(4), C.R.S., and 5 CCR 1003-2, §100.10.7, an alleged violator of the Statute at §25-9-110(2)(a), C.R.S., may request a public hearing to contest the contents of this ORCNOV. Such request shall be filed in writing with the Division no later than 30 days after service of this action, and shall contain, at a minimum, the information specified in 5 CCR 1003-2, §100.10.7(a-c). Hearings held pursuant to §25-9-110(4), C.R.S., shall be conducted before the Colorado Water and Wastewater Facility Operators Certification Board in accordance with §24-4-105, C.R.S. The filing of an answer does not constitute a request for hearing.

Issued at Denver, Colorado, this 25th day of June, 2025.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Kelly Morgan
Clean Water Compliance and Enforcement Section Manager
WATER QUALITY CONTROL DIVISION