Stormwater Enforcement: Colorado Department of Public Health & Environment and La Plata County Mining Operator Enter into Compliance Order on Consent



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The Colorado Department of Public Health & Environment ("Department") and Sunrise Mining, LLC ("Sunrise") entered into a May 14th Compliance Order on Consent ("CO") addressing an alleged violation of the Colorado Stormwater Regulations. See Number: IC-250407-1.

Sunrise is stated to own and operate the May Day Idaho Mine Complex located in La Plata County, Colorado ("Facility").

The Facility is stated to consist of two individual properties:

- May Day Mine.
- Idaho Mine.

The May Day Mine is stated to consist of an underground metal mine, milling equipment, waste rock piles, several shipping containers, and access roads. Surface runoff is stated to occur from the road surfaces.

The Idaho Mine is stated to consist of an underground metal mine, an access road, and a seep that flows to the La Plata River.

No active mining is stated to have occurred at either mine and has been in Temporary Cessation since May 2019.

Sunrise is stated to have taken over operations of the Facility from Wildcat Mining and purchased the property containing the May Day Mine. Sunrise is alleged to have failed to obtain coverage for stormwater discharges associated with metal mining activities upon taking ownership and operational control of the May Day Mine property. However, Wildcat Mining is stated to continue to own the property containing the Idaho Mine.

Sunrise is stated to have submitted an application for an individual permit for stormwater discharges associated with the May Day Mine on April 16, 2021. The Facility is now subject to a Permit.

The CO alleges that stormwater from the May Day Mine access roads, the Base of Operations, and disturbed areas at the May Day 1, May Day 2, and May Day 3 flow through roadside ditches and erosional

features in the road surface prior to discharging to Little Deadwood Gulch and the La Plata River. These are stated to be state waters.

Sunrise is stated to have upon taking ownership and operational control of the May Day Mine and prior to March 1, 2021, to not have had a permit and/or permit certification authorizing the discharge of stormwater associated with the metal mining operations. Therefore, this is alleged to constitute unauthorized discharge(s) of pollutants from a point source into state waters.

The CO requires that Sunrise comply with all provisions of the order. Nevertheless, Sunrise does not admit to any of the factual or legal determinations, and any action undertaken by Sunrise pursuant to this CO shall not constitute evidence of fault and liability by Sunrise Mining with respect to the conditions of the Facility.

A civil penalty of $12,000.00 is assessed.

A copy of the CO can be downloaded here.