



Joseph Harrington  
MineWater Finance, LLC.  
10924 LeRoy Drive  
Northglenn, CO 80233

December 11, 2019

**RE: Conditional Approval - Beneficial Reuse of Smelter Slag from the Boston & Colorado Smelter at the London Mine**

SW-PAR-LON 7.1

Mr. Harrington,

The Hazardous Materials and Waste Management Division ("the Division") of the Colorado Department of Public Health and Environment has reviewed the beneficial use proposal from MineWater Finance LLC, the owner of the London Mine, to import smelter slag from the Boston & Colorado Smelter site ("the B&C site") in the nearby town of Alma, CO to the site of the London Mine. The Division received the initial application on October 18, 2019, which requested a beneficial use determination approving the use of smelter slag from the B & C site as part of a mixture to help solidify mine tailings and water treatment plant residuals at the London Mine. The smelter slag, imported from the B & C site, is to be mixed with the tailings and water treatment plant residuals at the London Mine along with lime, which will initiate a pozzolanic reaction that will stabilize and solidify the wastes. The result is a solidified aggregate material with reduced leachability of heavy metals that can be used as fill material on the site of the London Mine. On October 24, 2019, the Division requested additional information including further analyses of the material at the London Mine as well results from a small-scale pilot project to determine the potential effectiveness of the proposed approach.

The Division received the results of the requested analyses on December 4, 2019. Additionally, on November 27, 2019, the United States Environmental Protection Agency ("EPA") provided documentation confirming that the smelter slag at the B&C site was exempt from hazardous waste management requirements under the Bevill Exclusion. This information, along with the other information that has been submitted since October 18, 2019 has been compiled and now forms the project's beneficial use plan, which is attached to this correspondence and is on file with the Division's records center.

Based on the information submitted to the Division from October 18, 2019 to December 10, 2019, the Division has determined that the use of the slag for waste solidification and reclamation at the London Mine meets the Division's criteria for Beneficial Use as defined in Section 8.6 of the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 ("the Solid Waste Regulations").

The Division's determination is contingent on adherence to the conditions below:

1. All aspects of the beneficial use plan must be followed.
2. The beneficial use may not have a negative impact on groundwater.



2. The beneficial use must be approved by the local governing body.
3. The beneficial use must comply with all other local, state, and federal rules and regulations.

Additionally, a final project summary report documenting how the beneficial use activities were completed in accordance with the requirements of the approved beneficial use plan and the conditions in this letter must be submitted to the Division within 60 days of project completion. In the event that the project does not achieve similar results to the pilot-scale mixture and material in the project area will remain on site at the London Mine that exceeds the Division's criteria for unrestricted beneficial use, an environmental covenant may be required on the affected portion of the property.

In closing, the Division is authorized to bill for its review of technical submittals at \$125 per hour, pursuant to section 1.7 of the Solid Waste Regulations. An invoice for the Division's review of the above referenced document will be sent under separate cover.

If you have any questions regarding this letter, you may contact Michael Bankoff at (303) 692-3438.

Sincerely,



Michael Bankoff  
Environmental Protection Specialist  
Materials Management Unit  
Hazardous Materials and Waste Management Division

EC: Peter Stevenson, US Environmental Protection Agency  
David Snapp, Colorado Department of Public Health and Environment  
Wolf Kray, Colorado Department of Public Health and Environment  
Sheila Cross, Park County

