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DIVISION OF RECLAMATION
MINING AND SAFETY

June 9, 2015



AGGREGATE
INDUSTRIES

Mr. Tyler O'Donnell
Division of Reclamation Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

**Re: Permit Number M-2004-031 – Hazeltine Mine
Technical Revision TR-04 – Adequacy Review Response**

Dear Tyler:

Aggregate Industries (AI) submits this letter in response to the Division's May 21, 2015 preliminary adequacy review of AI's TR-04 request with regard to a temporary mitigation plan.

1. While the Division believes that the water elevation needs to be drained to 2 feet below the lowest land elevation on the Orr property, it is AI's position that to do so would not only result in a lower groundwater elevation than pre-slurry wall conditions at that location but would also impact pre-mining jurisdictional wetlands on both the Orr and AI properties as well as mitigation wetlands that have been constructed on AI's property in accordance with approved 404 permit (DA file # 199980194).

The Division cites pre-slurry wall groundwater elevation at HZMW-2 as "approximately 5035 feet". That data point, which actually measured 5035.67, was the initial measurement of the well in February, 2004. Water levels at HZMW-2, HZMW-6, HZMW-11 and HZMW-12 had been steadily increasing for approximately six (6) months prior to installation of the slurry wall at Hazeltine. In February 2005, groundwater was approximately 1.5 feet higher at HZMW-2 than the initial February 2004 measurement. In May 2005, prior to completion of the slurry wall, groundwater at HZMW-2 was elevated to 5037.44, which was 3.1 feet higher than the May 2004 elevation. The water elevation at the lowest surface elevation of the Orr land, which is lower than HZMW-2 surface elevation, was likely then to have been at least within 1-foot of the lowest land surface elevation of the Orr parcel.

Additional pre-mining information regarding conditions at the Orr parcel (previously owned by Schwartz) indicates that water elevations on the Orr parcel may have been even higher prior to the slurry wall installation.

- AI had investigated the possibility of incorporating this parcel into its permit boundary. Please see enclosed e-mails and referenced attachments between Karen Flanders of Tetra Tech and Blair Cooley of AI between March 17 and April 1, 2004 and note that areas highlighted in green on the figure are jurisdictional wetlands

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delineated on AI's property. A delineation was not done on the Schwartz parcel since AI determined not to pursue incorporation of the parcel following a subsurface conditions evaluation.

- Two test holes were drilled on the property in March 2004. These holes are labeled HZTH-24 and HZTH-25 and highlighted on the Existing Conditions Map. A copy of the map and the drill logs that contain the information for those test holes is enclosed. The logs show that groundwater level at HZTH-24 was approximately 1-foot below ground surface and at HZTH-25 was approximately 5 feet below ground surface on March 31, 2004. Assuming that water levels at these test hole locations would have been similar to those at HZMW-2, which had increased approximately 3 feet from the previous year, there would have been standing water in the vicinity of HZTH-24 and water level at HZTH-25 would have been within 2 feet of the ground surface.

Based upon the above information, it is AI's position that the 5040.78 foot invert elevation proposed for the two (2) 18-inch pipes, with drain gates set to provide maximum drainage, will achieve the initial goal of the temporary mitigation plan, which is to draw down water levels from the adjacent Orr property as quickly as possible. As stated in AI's TR request, water will be pumped if necessary to achieve the initial goal of the temporary plan.

The effectiveness of the temporary plan will be monitored and data gathered during the temporary mitigation period will be evaluated and used to make any necessary adjustments to drainage controls for the permanent mitigation plan. If a lower pipe elevation is warranted, further study will also be required to assure that there are no impacts to jurisdictional wetlands.

2. With regard to the Division's question concerning erosion of the reclaimed pit slopes from the pipe discharges, it is AI's intent to extend the pipes to the toe of the slope to avoid such erosion.
3. AI commits to locating and rehabilitating wells HZMW-2, HZMW-6, HZMW-11 and HZMW-12 within 45 days of the commencement of the temporary mitigation plan and will replace any wells that cannot be located or rehabilitated within 60 days of commencement of the temporary plan.
4. Once monitoring wells are located and rehabilitated or replaced, monitoring data will initially be collected weekly for the first month and monthly thereafter. As proposed in AI's revision request, any monitoring data gathered during the temporary plan period will be submitted with the technical revision for the permanent mitigation plan together with the final well/staff gauge locations.

AI is prepared to proceed with the temporary plan as proposed. With the understanding that a more detailed permanent plan with any necessary adjustments will be submitted as required under another technical revision, AI respectfully requests that the Division approve the temporary plan so that its contractor can complete the work by June 22. If the Division is unable to approve this

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request by June 12, AI must then request an extension of the Division's decision date to July 22 in order to re-schedule the work.

Please contact me at (970) 396-5252 or e-mail connie.davis@aggregate-us.com with the Division's response. I would also like to go ahead and set up a meeting with the Division to discuss in further detail the permanent mitigation plan that AI is required to submit.

Very truly yours,

A handwritten signature in blue ink that reads "Connie N. Davis".

Connie N. Davis
Land Advisor

Enclosures

Cc: Tony Waldron and Wally Erickson, DRMS (via e-mail)
Timothy J. Flanagan (via e-mail)
Catherine Kraeger-Rovey (via e-mail)