



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

1313 Sherman Street, Room 215
Denver, CO 80203

February 25, 2016

Connie Davis
Aggregate Industries - WCR, Inc.
1687 Cole Blvd., Ste. 300
Golden, CO 80401

**Re: Cooley Reservoir and Fulton Wildlife Area, DRMS Permit No. M-1999-034
Technical Revision No. 5 (TR-05)
Preliminary Adequacy Review**

Dear Ms. Davis:

The Division of Reclamation, Mining and Safety (Division) received Technical Revision No. 5 (TR-05) for the above referenced site on February 16, 2016. The decision date for TR-05 is March 17, 2016. The Division has reviewed TR-05 and has the following comments and questions:

- 1) Will the area between the South Platte River and Phase 3 where the water exited the site during the breach in summer 2015 be repaired at the same time as the repair described in TR-05.
- 2) Will the backfill material come from within the site, or will the backfill material be trucked in? If the material is being trucked in the Operator/Applicant will need to complete a notice of inert backfill, and comply with the Requirements of Rule 3.1.5(9).
- 3) Pursuant to Rule 6.5.2, please provide the physical characteristics of the desired earthen backfill materials.
- 4) Pursuant to Rule 6.5.2, please provide a compaction and density specification for the backfilled embankment. At a minimum the Division will accept maximum 12-inch loose lifts compacted to 95 percent of maximum dry density (ASTM D698).
- 5) Please commit to submitting to the Division within 60 days of completion of the backfill, a certification by a qualified engineer certifying that the backfill has been constructed to the required compaction and specifications, approved through TR-05.
- 6) Comment: The Division still has an outstanding corrective action for a problem cited in the July 2 and 9, 2015, inspection report for Sediment Control and Backfilling and Grading. Problem and Corrective Action from the July 2 and 9, 2015, inspection report:



2/25/2016

PROBLEM: A breach between the River and phase 2 has occurred. The breach has headcut back towards the River, eroding the land between the River and phase 2. Erosion is occurring in areas where the flow is overtopping the earthen embankments between phases 2, 3, and 4. Erosion is also occurring in areas where diverted flow is overtopping the earthen embankments between reservoir complex and the River. On July 7, 2015, During the follow-up inspection, the Division observed a breach between the River and Phase 3. This is a problem for failure to protect the affected land from erosion pursuant to Rule 3.1.5(3) and C.R.S. § 34-32.5-116(4)(j).

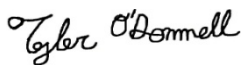
CORRECTIVE ACTIONS: The Operator shall repair all damaged slopes and earthen embankments to prevent future erosion. The Operator shall replace the damaged sections of the slurry wall. The Operator shall provide a flood control mitigation plan. The flood control mitigation plan shall include, armored inlet and outlet spillway structures for the entire reservoir complex. The flood control structures must be designed to prevent future erosion damage. The flood control mitigation plan shall be submitted in an approvable form, as a Technical Revision.

The deadline for complying with the corrective action has been extended several times. The last extension extended the deadline to February 15, 2016. The problem still has not been resolved the Operator still need to submit a Technical Revision containing the required flood control mitigation plan.

This concludes the Division's preliminary adequacy review of TR-05. This letter shall not be construed to mean that there are no other technical deficiencies in your submittal. Please remember that the decision date for TR-05 is March 17, 2016. At this time, if you are unable to provide satisfactory responses to any inadequacies prior to this date, **it will be your responsibility to request an extension of time to allow for continued review of this Technical Revision.** If there are still unresolved issues when the decision date arrives and no extension has been requested, TR-05 will be denied.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at Tyler.ODonnell@state.co.us.

Sincerely,



Tyler O'Donnell
Environmental Protection Specialist

cc: Wally Erickson, DRMS