

September 11, 2017

John P. Ary  
Fremont Paving & Redi-Mix, Inc.  
839 MacKenzie Avenue  
P.O. Box 841  
Cañon City, CO 81215

**Re: Notice of Non-Compliance, Pueblo East Pit, Permit File No. M-2000-041**

Dear Mr. Ary,

It has come to the Division's attention that groundwater monitoring data at the Pueblo East Pit is not being submitted in accordance with permit commitments. According to the Division's records, no groundwater monitoring data has been received since the approval of AM-01 on July 31, 2014. Upon further review of AM-01 documents, the Division has identified the following three issues:

- On July 17, 2014, the Division received the groundwater monitoring plan associated with AM-01. Within this plan, the Operator committed to monitoring monthly for the first two years. After the initial two years, if dewatering continued, sampling would occur quarterly. In the event dewatering were to cease, monitoring would increase to bi-weekly. Through later correspondence, received July 31, 2014, the Operator clarified the monitoring data would be submitted to the Division on a quarterly basis. To date, the Division has not received any groundwater monitoring data.
- Within the correspondence received July 31, 2014, the Operator committed to installing a 7<sup>th</sup> well (Monitoring Well #3). To date, the Division has not received well completion report for this additional well.
- Three of the wells (Monitoring Well #2, #4, and #5 with Permit No. 262268, 48027, and 46206, respectively) lacked data regarding the surface elevation of the wells and the Operator committed to providing surveyed surface elevations for all seven wells. To date, the Division has not received any additional data regarding the surface elevations of the monitoring wells.

Therefore, the Division has cited a Compliance Problem regarding the above stated issues and imposes the following Corrective Actions:

- Submit groundwater monitoring data for at least 24 monthly events from August 2014 through August 2016 and four quarterly events including the 4<sup>th</sup> quarter of 2016 and the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> quarters of 2017.
- Submit the well completion report for Monitoring Well #3.



- Submit monitoring well surface elevation data.

**The Corrective Action Deadline has been set at 30 days, due October 11, 2017.**

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,



Elliott R. Russell  
Environmental Protection Specialist

Enclosure:

Cc: Wally Erickson; Division of Reclamation, Mining & Safety