



FREMONT PAVING and REDI-MIX, INC.

839 MacKenzie Avenue
P. O. Box 841
Cañon City, Colorado 81215

Telephone:
(Bus.) 719 - 275-3264
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October 9, 2017

Mr. Elliott Russell
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

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

Mr. Russell,

Fremont Paving and Redi Mix, Inc. has hired Deere & Ault Consultants, Inc. to respond to the above referenced letter of non-compliance. Their letter with accompanying data is enclosed for your review. Please let me know if you need additional information or any clarification.

Sincerely,

Jodi Schreiber
Chief of Operations
719-275-3264
719-429-9001
jodi@arycorp.com

DEERE & AULT
CONSULTANTS, INC.

October 9, 2017

Mr. Elliott R. Russell
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

**Re: Notice of Non-Compliance, Pueblo East Pit, Permit File No. M-2000-041;
D&A Job No. CG-0183.021.00**

Dear Mr. Russell:

This letter has been prepared in response to your Notice of Non-Compliance to Mr. John P. Ary of September 11, 2017. Fremont Paving & Redi-Mix, Inc. (Fremont) has hired Deere & Ault Consultants, Inc. (D&A) to respond to your letter and help them come into compliance on groundwater monitoring issues.

BACKGROUND

On July 17, 2014, the Division received the groundwater monitoring plan associated with AM-01. This plan was part of an overall voluntary agreement between Stonewall Springs Quarry (Stonewall), LLC; Fremont; and the landowner to the west, Southwest Farms, Inc. (Southwest Farms). A dispute had arisen between Fremont, Stonewall Springs Quarry and Southwest Farms about the effect that dewatering the gravel mine within the Stonewall property has on Southwest Farms.

In order to settle the dispute, besides performing monitoring, Fremont voluntarily agreed to construct 2,700 linear feet of pipeline up to the Excelsior Ditch for Southwest Farms. This was indeed constructed for Southwest Farms in August 2014, but was never operated by them. In addition, Fremont and Stonewall agreed to a voluntary groundwater monitoring plan. Shortly thereafter, Southwest Farms sold the property on August 7, 2015 to EWSDI, LLC (a marijuana production facility). Unfortunately, between the pipeline construction that was never utilized by the disputer, the lack of any request for ground water data by the disputer, and the sale of the property by the disputer, the groundwater monitoring was overlooked and not conducted as represented in AM-01.

GROUNDWATER MONITORING

D&A conducted groundwater level measurements on September 19, 2017 and Fremont on October 6, 2017. We were accompanied by four Fremont personnel on September 19 and

Mr. Elliott R. Russell
October 9, 2017
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provided them with a water level indicator for future measurements. Fremont will do the future field measurements and send results to D&A annually for review and submittal to the Division.

The monitoring results are presented on **Table 1** and a map of the monitoring wells is shown on **Figure 1**. The monitoring plan as represented in AM-01 was closely replicated. Some of those wells never existed, were located improperly, or were destroyed. Nearby wells to those originally proposed were substituted as necessary as shown on **Table 1**.

Monitoring Hole No. 1 (279124) is the closest upgradient well to the Phase 1 cell on the former Southwest Farms property. The current water level in this well is 10 feet below ground surface. This has risen 5 feet since it was constructed in August of 2008. When the well was built, Phase 1 of the Pueblo East Pit was dewatering for mining.

A more complete discussion of groundwater conditions, including the results of a 3-D model are provided in our response to the Technical Revision (TR-4), Adequacy Review.

CLOSING

Fremont and Stonewall, with D&A's assistance, will provide water level monitoring for the wells shown on **Figure 1** through the life of the permitted mine. This will be conducted monthly until dewatering is shut-off for Phase 1 and then be converted to quarterly measurements.

The information above indicates there appears to have been no injury due to the oversight of not performing the voluntary plan for groundwater monitoring. In addition, Southwest did not request the monitoring results from Fremont or Stonewall.

Please call with any questions or comments.

Sincerely,

DEERE & AULT CONSULTANTS, INC.



Don W. Deere, P.E.
Principal

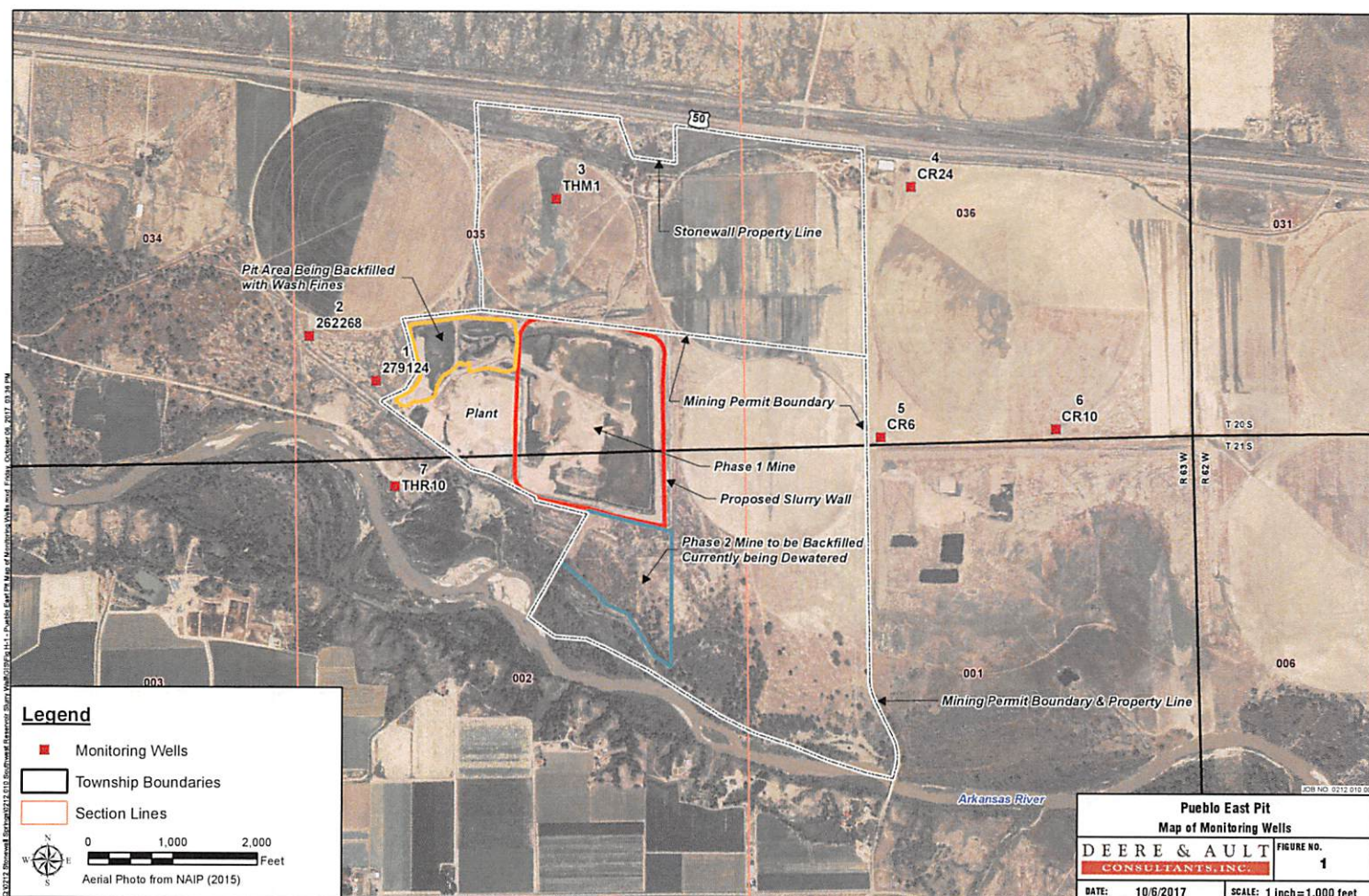
DWD:sp

Attachments

Table 1: Monitoring well measurement data
Pueblo East Pit
0183.021.00

Monitoring Hole #	1			2			3						4						5						6						7																													
Alternative Name							THM-1						CR24						CR6						CR31						CR10						THR10																							
Perm# No.	278124			282268			43027						277098, THM-1						46813						046817-MH, 277131						46206-MH, 277133						46815-MH, 277134						046814-MH, 277135						WHID: 1408468											
Location	SW4SW4, SEC 35			SW4SW4, SEC 35			NW4SE4, SEC 35						SE4NW4, SEC 35						NW4SW4, SEC 36						SE4SE4, SEC 36						SE4SW4, SEC 36						SE4SE4, SEC 36						SW4SE4, SEC 36						NW4NW4, SEC 02											
Owner	Sisman			CO DOA			Sisman						Morley						Morley						Morley						Morley						Morley						Morley						Morley						Martin Marietta					
Completion Date	Aug-2008			Mar-2004			No Holes Constructed						May-2006						No Holes Constructed						Feb-2007						Feb-2007						Feb-2007						Feb-2007						Feb-2007						Apr-2006					
Well Destroyed or Abandoned	No			No			NA						No						NA						No						No						Well Destroyed by farming equipment (date unknown)						No						No											
Perforated Casing Zone (ft)	22 to 32			9.5 to 28.5									28 to 38												45 to 50						27 to 37						32.5 to 42.5												34 to 44						27 to 37					
Surface Elevation (feet)	4532.0			4533.0			4536.7												4542.1						4526.3												4527.2						4528.4						4536.6											
Height of Casing (feet)	2.5			2.7			3.0												2.6						2.8												2.8						2.9						2.7											
Total Well Depth (ft bgs)	31.7			33.6			43.0												52.0						59.6						66.3						68.0						69.0						39.4											
Date	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)	DTW, toe (ft)	DTW (ft)	Elevation (ft)																											
Mar-2004				15.2	12.5	4520.5																																																						
May-2004										22.5	19.5	4517.2																																																
Apr-2006																																		17.2	14.5	4521.1																								
Feb-2007													30.7	28.1	4514.0	15.8	13.03	4512.3	20.8	17.97	4509.2	20.5	17.6	4510.8																																				
Mar-2007										24.6	21.6	4515.1				30.6	28.0	4514.1	15.84	13.1	4512.2							20.7	17.8	4510.6																														
Aug-2008	17.5	15.0	4517.0																																																									
Jan-2009										32.6	29.6	4507.1				32.2	29.6	4512.6	17	14.3	4511.1							21.3	18.4	4510.1																														
Sep-2017	12.6	10.1	4521.9	12.1	9.4	4523.6				22.1	19.1	4517.6				32.0	29.4	4512.7	16.1	13.4	4512.0						19.9	17.0	4511.4	13.1	10.4	4525.2																												
Oct-2017	12.5	10.0	4522.0	12.0	9.3	4523.7				22.3	19.3	4517.4				31.2	28.6	4513.5	15.5	12.8	4512.6						20.0	17.1	4511.3	15.5	12.8	4522.8																												
Highest Reading	12.5	10.0	4517.0	12.0	9.3	4520.5				22.1	19.1	4507.1				30.6	28.0	4512.6	15.5	12.8	4511.1	20.8	18.0	4508.2	19.9	17.0	4510.1	13.1	10.4	4521.1																														
Lowest Reading	17.5	15.0	4522.0	15.2	12.5	4523.7				32.6	29.6	4517.6				32.2	29.6	4514.1	17.0	14.3	4512.6	20.8	18.0	4509.2	21.3	18.4	4511.4	17.2	14.5	4525.2																														
Observed Water Level Change (ft)			5.0			3.2						10.5						1.6		1.5			0.0				1.4						4.1																											

Notes
1 Well #3 46813 and Well #4 46813 were never constructed even though well notice of intent was filed to the state
2 Well #6 46815 was destroyed by farming equipment on an unknown date after completion
3 Wells CR6, CR10, CR24, and CR31 were all measured on the date of completion between 2/9/2007 and 2/20/2007



000112 Shared Resource/2012-2013 Supplemental Resource: Blum, Wade/2015 U.S. Pueblo East Pit Map of Monitoring Wells and Fences, October 06, 2017, 03.11 PM



STATE OF
COLORADO

Russell - DNR, Elliott <elliott.russell@state.co.us>

Response to Pueblo East Pit Notice of Non-Compliance

1 message

Jodi Schreiber <jodi@arycorp.com>

Tue, Oct 10, 2017 at 9:35 AM

To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

Cc: John Paul Ary <jp@arycorp.com>, Jodi Schreiber <jodi@arycorp.com>

Elliott,

Please see the attached response. If you have any questions, or want to discuss this further, please feel free to contact me.

Thank you,

Jodi Schreiber

Chief of Operations

Ary Corporation


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