



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

January 04, 2018

Julie Mikulas
Martin Marietta Materials, Inc.
1800 N. Taft Hill Road
Fort Collins, CO 80521

Re: Lyons Pit, Permit No. M-1974-015, Follow-up on Unresolved Problems

Ms. Mikulas:

The above-referenced site had two problems cited in an inspection report sent on April 26, 2017 that, according to Division of Reclamation, Mining and Safety (Division) records, have not yet been resolved. According to the extension request approved on July 06, 2017, the following problems were to be resolved on or before September 25, 2017:

Problems:

- 1) The Division has no evidence the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site. This is a problem related to C.R.S. 34-32.5-116(4)(h) and Construction Materials Rule 3.1.6(1)(a) governing injury to existing water rights. Specifically, the slurry wall installed around Lake 4 (as approved in Technical Revision No. 1) has been breached in two locations, so that the lake is now connected to the alluvial groundwater system.
- 2) Excessive erosion was observed on the affected land attributed mainly to regional flooding that occurred during September 2013. This is a problem at this time pursuant to Rule 3.1.6(3), which requires all surfaces of the affected land, including spoil piles, to be stabilized and protected so as to effectively control erosion.

Corrective Actions:

- 1) The operator shall demonstrate the operation is in compliance with the Office of the State Engineer (SEO), show evidence the operator is taking measures to bring the site into compliance with the SEO, or backfill the pit to at least two feet above the groundwater surface. For a slurry wall to be accepted by the Division as adequate mitigation of exposed groundwater, the Division must receive documentation from the SEO demonstrating the slurry wall meets the SEO's design criteria. This is typically provided after the operator has performed the required 90-day performance test on the liner. By the corrective action due date, the operator shall provide an estimated schedule for repairing the damaged portions of the slurry wall liner.
- 2) The operator shall provide photo documentation to the Division demonstrating the pond bank erosion has been repaired and the slopes graded to the approved 3H:1V gradient, and the site has been reconstructed and stabilized to prevent erosion damage. The operator shall also demonstrate by the corrective action due date that the current flood protection plan is adequate to protect the site from stream capture and associated flood damage in the future. This may include submitting a Technical



Revision to revise the approved mining and reclamation plans to include an updated flood protection plan for the site.

If the problems have already been remedied, please provide evidence of their completion. Otherwise, by **February 3, 2018**, the Division must receive one of the following:

- 1) Demonstration the problems have been resolved
- 2) Request to extend the corrective action deadlines, including an explanation of why the additional extension is necessary, and documentation demonstrating the operator is taking measures to bring the site into compliance (i.e., communications with the SEO and/or Boulder County regarding the corrective actions)

Please note that failure to resolve the problems by the deadline provided above could result in possible violations which would require a hearing to be held before by the Mined Land Reclamation Board.

If you have any questions, you may contact me by telephone at (303) 866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Cc: Wally Erickson, DRMS

