



February 1, 2018

Division of Reclamation, Mining and Safety  
1313 Sherman St. Room 215  
Denver, CO 80203

**RE: Response to Inspection Report – Harmony Gardens Site M-2017-021**

To Whom it May Concern,

In response to the Harmony Gardens Site Inspection dated January 29, 2018

Inspection Topic Availability of Records APEN Permit:

- Email from Connell EHS Specialist regarding APEN – No APEN is required due to:
  - Less than 25 Acres
  - No Processing of material on Site – Material will be processed at the Timnath Connell pit near I-25 and Harmony Road DRMS Permit # M-1999-050

Inspection Topic Availability of Records CDPHE – Discharge Permit Attached:

- CDPS General Permit COR03R702 - Stormwater Discharge Permit for Original Harmony Gardens Permit #M-2017-021

Sincerely,

Kevin D. Anderson  
Aggregate and Asphalt Manager  
(970) 223-3151 Main Office  
(970) 530-4692 Direct Line  
(970) 214-1601 Cell Phone  
[kanderson@connellresources.com](mailto:kanderson@connellresources.com)

Kevin Anderson

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**From:** Brandon Martin  
**Sent:** Thursday, January 18, 2018 10:10 AM  
**To:** Kevin Anderson  
**Subject:** Harmony Gardens SW Permit and APEN  
**Attachments:** COR03R702 - Permit Certification.PDF; COR03R702 - Permit Application - Modification (1).PDF

Kevin,

Attached you will find the stormwater permit for Harmony Gardens and a permit modification to expand for phase two of the project. An APEN for this project is not required since the project is less than 25 acres in disturbance and there is no processing on-site. Let me know if you need anything else.

THANK YOU,

***BRANDON L. MARTIN***  
EHS SPECIALIST



[WWW.CONNELLRESOURCES.COM](http://WWW.CONNELLRESOURCES.COM)

7785 HIGHLAND MEADOWS PKY. #100  
FORT COLLINS, CO 80528  
OFFICE: (970) 223-3151  
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# COLORADO

Department of Public  
Health & Environment

**CERTIFICATION TO DISCHARGE  
UNDER  
CDPS GENERAL PERMIT COR-0300000  
STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

Certification Number: **COR03R702**

**This Certification to Discharge specifically authorizes:**

**Connell Resources Inc**  
to discharge stormwater from the facility identified as

**Harmony Gardens Horticulture Expansion Area 2**

**To the waters of the State of Colorado, including, but not limited to:**

**- Lake Canal**

**Facility Activity :** Non-structural and other development  
**Disturbed Acres:** 9.9 acres  
**Facility Located at:** CR 13 and CR 74 Intersection Windsor CO 80550  
Weld County  
Latitude 40.518569 Longitude -104.939391

**Specific Information  
(if applicable):**

**Certification is issued and effective:** 7/19/2017

**Expiration Date:** This authorization expires upon effective date of the General Permit COR030000 renewal unless otherwise notified by the division.

**\*ADMINISTRATIVELY CONTINUED**

This certification under the permit requires that specific actions be performed at designated times. The certification holder is legally obligated to comply with all terms and conditions of the permit.

This certification was approved by:  
Lillian Gonzalez, Unit Manager  
Permits Section  
Water Quality Control Division

\*explanation of Admin Continued in cover letter




**COLORADO**Division of Reclamation,  
Mining and Safety

Department of Natural Resources

**MINERALS PROGRAM INSPECTION REPORT****PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Harmony Gardens Site	<b>MINE/PROSPECTING ID#:</b> M-2017-021	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Peter S. Hays	<b>INSP. DATE:</b> January 17, 2018	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> Connell Resources, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Kevin Anderson, Bill Schenderlein	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$51,335.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> January 18, 2018

**The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.**

**INSPECTION TOPIC:** Availability Of Records

**PROBLEM:** Problem: The Operator committed to providing the Division with a copy of the approved APEN permit for the site during the permit application review. The Division has not received a copy of the approved APEN permit as of the inspection date.

**CORRECTIVE ACTIONS:** The Operator must submit a copy of the approved APEN permit for the site by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 2/19/18

**INSPECTION TOPIC:** Availability Of Records

**PROBLEM:** Problem: The Operator committed to providing the Division with a copy of the approved CDPHE Discharge Permit Systems Permit (CDPS) for the site during the permit application review. The Division has not received a copy of the approved CDPS permit as of the inspection date.

**CORRECTIVE ACTIONS:** The Operator must submit a copy of the approved CDPS permit for the site by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 2/19/18

## **OBSERVATIONS**

The Harmony Gardens Site was inspected by Peter Hays with the Division of Reclamation, Mining and Safety (Division/DRMS) as part of the Division's monitoring inspection program. Mr. Kevin Anderson with Connell Resources, Inc. and Mr. Bill Schenderlein with Blue Earth Solutions, LLC were present during the inspection. The site was previously inspected by the Division on July 7, 2017 for the pre-operational inspection. This is the first inspection of the site while the site is active.

The site is permitted for 9.9 acres divided into 2 mining phases with a total mining disturbance area of 7.7 acres. Mining activities are complete at the site with the exception of the southern boundaries of Mine Phases 1 and 2. The Operator is approved to mine within 20 feet of the permit boundary in both phases. The Operator stated they would like to mine through the southern boundary of both phases to daylight the phases into the adjoining Harmony Windsor Site. The Division will require the Operator to submit a technical revision to revise the mining offset and update the Mining and Reclamation Plans and Maps pursuant to Rule 1.9 prior to daylighting the southern boundaries of the phases. The maximum mining depth is approved for 10 feet below grade. The Division estimated the maximum mined depth in both phases at 5 to 6 feet below grade.

The required mine sign was observed and the boundaries of the affected land were delineated as required by Rule 3.1.12. The Division currently holds a financial warranty in the amount of \$51,335.00, which appears adequate to complete reclamation at the site.

The approved post mining land use is general agriculture. The north, east and west slopes of Phase 1 were regraded to the approved final 3H:1V slopes and topsoil was placed on the pit floor and regraded slopes. The north slope of Phase 2 has been regraded to the approved final 3H:1V slope. The remaining Phase 2 slopes were vertical highwalls. The Operator stated material from the adjacent Harmony Windsor Site would be used to backfill the highwalls to the approved 3H:1V slopes. The Division will require the Operator to submit an inert fill notice pursuant to Rule 3.1.5(9) prior to importing material to reclaim the Phase 2 highwalls.

As cited as problems requiring corrective action on Page 1, the Operator committed to providing the Division with copies of the approved APEN and CDPHE Discharge Permit Systems Permit (CDPS) for the site. The Division has not received copies the permits as of the date of the inspection. The Operator stated during the inspection an APEN permit was not required for the site since all material was transported off site to the Connell processing facility located near I-25 west of the mine site. The Division will require the Operator to justify the lack of APEN permit and request the commitment be removed from the permit file. The Operator stated a CDPS permit was obtained for the site and a copy would be provided to the Division.

Photographs taken during the inspection are attached.

### **Inspection Contact Address**

Kevin Anderson  
Connell Resources, Inc.  
7785 Highland Meadows Parkway  
Fort Collins, CO 80528

Ec: Wally Erickson, DRMS



## PHOTOGRAPHS



Harmony Gardens Site mine sign



View of Phase 2 east highwall from the NE corner of the phase looking south





View of Phase 2 north slope from the NE corner of the phase looking west



View of Phase 1 east slope from the SE corner of the phase looking north





View of Phase 1 from the SE corner of the phase looking northwest



View of Phase 1 west slope from the SW corner of the phase looking north



### GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <b>PB</b>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited