



February 1, 2018

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

RE: Response to Inspection Report – Harmony Windsor Site M-2017-056

To Whom it May Concern,

In response to the Harmony Windsor Site Inspection dated January 29, 2018 and the Adequacy Review letter 6.3.6 Exhibit F – List of Other Permits and Licenses required dated January 24, 2018, the following information is attached.

- 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
- CDPS General Permit COR03R702 - Stormwater Discharge Permit for Original Harmony Gardens Permit #M-2017-021
- Modification Form to include this site – M-2017-056 into the CDPS General Permit COR03R702 for Stormwater Discharge

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

Kevin Anderson

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

7785 HIGHLAND MEADOWS PKY. #100
FORT COLLINS, CO 80528
OFFICE: (970) 223-3151
CELL: (970) 481-3587
FAX: (970) 223-3191



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



January 10, 2018

ATTN: Karen Harford
Colorado Department of Public Health and Environment
Water Quality Control Division
4300 Cherry Creek Drive South WQCD-P-B2
Denver, Colorado 80246-1530

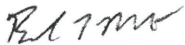
RE: Modification Form for Certification COR03R702

Ms. Harford:

This letter transmits a formal request to modify certification COR03R702. Please refer to the permit modifications and site map for more information.

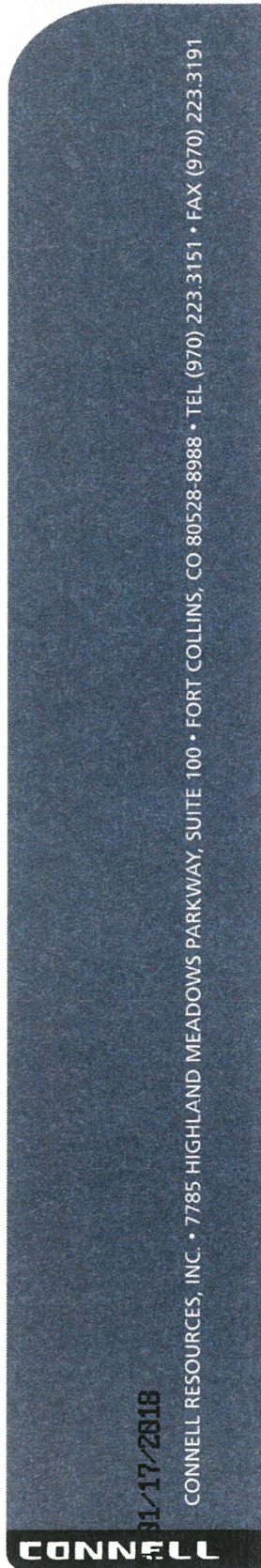
If there are any more questions upon review, please feel free to contact me at (970) 223-3151 or email bmartin@connellresources.com.

Sincerely,



Brandon L. Martin
EHS Specialist

/Enclosures



CONNELL RESOURCES, INC. • 7785 HIGHLAND MEADOWS PARKWAY, SUITE 100 • FORT COLLINS, CO 80528-8988 • TEL (970) 223.3151 • FAX (970) 223.3191

Scanned 01/17/2018

CONNELL

STATE OF COLORADO

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado
<http://www.cdphe.state.co.us>

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090



Colorado Department
of Public Health
and Environment

DIVISION USE ONLY
WQCD Division Initiated
Modification

Requested by _____

Date requested _____

Date entered _____

MODIFICATION APPLICATION

Please print or type all information. All items must be filled out completely and correctly. If the form is not complete, it will be returned. All modification dates are established by the Division. This form is for modifying an established permit or certification. Terminations, Change of Contacts, Transfer of Permit, and Withdrawal of Permit Application and/or modification requests must be submitted on the appropriate form:

MAIL ORIGINAL FORM WITH INK SIGNATURES TO THE FOLLOWING ADDRESS:

Colorado Dept of Public Health and Environment
Water Quality Control Division
4300 Cherry Creek Dr South WQCD-P-B2
Denver, CO 80246-1530

FAXED or EMAILED FORMS WILL NOT BE ACCEPTED.

- PART A. IDENTIFICATION OF PERMIT** Please write the permit number to be modified

PERMIT NUMBER COR03R702

- PART B. PERMITEE INFORMATION** (application must be signed by the legal contact listed here)

Company Name Connell Resources, Inc.
Mailing Address 7785 Highland Meadows Pky #100
City Ft. Collins State CO Zipcode 80528
Legal Contact Name Brandon L. Martin Phone Number 970-223-3151
Title EHS Specialist Email bmartin@connellresources.com

- PART C. FACILITY/PROJECT INFORMATION**

Facility/Project Name Harmony Gardens Horticulture Expansion Area # 2
Location (address) CR 13 CR 74 intersection
City Windsor County Weld
Local Contact Name John M. Warren Phone Number 970-223-3151
Title Project Manager Email jwarren@connellresources.com

COLORADO WATER QUALITY CONTROL DIVISION MODIFICATION APPLICATION
www.coloradowaterpermits.com

• **PART D. DESCRIPTION OF MODIFICATION REQUESTED:**

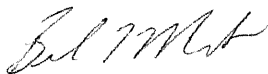
If adding outfalls to an existing permit, include outfall number, latitude and longitude of the outfall, flow, receiving waters, and any treatment (see application for new permit for guidance).

Please see attached site map for new project construction boundaries. Project limit requested increase is from 9.9 acres to 19.8 acres. Please contact us if anything else is needed.

• **PART E. CERTIFICATION Required Signatures**

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

"I understand that submittal of this application is for coverage under the State of Colorado Discharge Permit System until such time as the application is amended or the certification is transferred, inactivated, or expired."



1/10/2018

Signature of Legally Responsible Party

Date Signed

Brandon L. Martin

EHS Specialist

Name (printed)

Title

*This modification application shall be signed, dated, and certified for accuracy by the permittee.

In all cases, it shall be signed as follows:

1. In the case of a corporation, by a principal executive officer of at least the level of vice-president, or his or her duly authorized representative, if such representative is responsible for the overall operation of the operation from which the discharge described herein originates;
2. In the case of a partnership, by a general partner;
3. In the case of a sole proprietorship, by the proprietor;
4. In the case of a municipal, state, or other public operation, by either a principal executive officer, ranking elected official, or other duly authorized employee.

Harmony Gardens Horticulture Expansion Area 2

Permit Modification 1

Legend



— Project Limits ~ 19.8 acres

1/16/18

Scanned 01/17/2018



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

1313 Sherman Street, Room 215
Denver, CO 80203

January 24, 2018

Mr. Bill Schenderlein
Blue Earth Solutions, Inc.
P.O. Box 2427
Fort Collins, CO 80522

Re: Serfer Land Ventures, LLC.; Harmony Windsor Site; File No. M-2017-056; Construction Materials Limited Impact Operation (110) Reclamation Permit Application Adequacy Review

Mr. Schenderlein:

The Division of Reclamation, Mining and Safety (Division/DRMS) has reviewed the content of the Serfer Land Ventures, LLC. permit application for the Harmony Windsor Site, File No. M-2017-056 and submits the following comments. The Division is required to make an approval or denial decision no later than February 6, 2018 therefore; a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

The review consisted of comparing the application content with specific requirements of Rules 1, 3, 6.1, 6.2, 6.3 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit heading along with suggested corrective actions.

1.6 - Public Notice

1. As required by Rules 1.6.2(d) and 1.6.4(3), please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
2. As required by Rule 1.6.2(e), please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land including all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.



3. The Division received comments from the Colorado Division of Water Resources. The letter is attached for review. Please address the comments noted in the letter and make any changes to the application as necessary.

6.3 Specific Exhibit Requirements - 110 Limited Impact Operations

The following items must be addressed by the Applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

6.3.4 Exhibit D - Reclamation Plan

4. The Division has reviewed and will accept the reclamation cost estimate provided by the Applicant. The Division will set the required financial warranty at \$53,470.00 upon approval of the permit application.

6.3.6 Exhibit F - List of Other Permits and Licenses Required

5. The Applicant states a Colorado Department of Public Health and Environment Air Pollution Emission Notification Permit (APEN) will be obtained prior to operations. Please commit to providing the Division a copy of the approved permit when available.
6. The Applicant states a Colorado Department of Public Health and Environment Colorado Discharge Permit System Permit (CDPS) will be obtained prior to operations. Please commit to providing the Division a copy of the approved permit when available.

6.3.9 Exhibit I - Proof of Filing with County Clerk

7. Please provided an affidavit or receipt indicating the date on which the revised application information required to address this adequacy letter was placed with the Weld County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

6.3.12 Exhibit L - Permanent Man-Made Structures

Where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant may either:

- a. provide a notarized agreement between the Applicant and the person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

- c. where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.
8. Please provide the Division with copies of the notarized structure agreements with all owners of the structures on and within 200 feet of the affected area of the proposed mine site.

Please be advised the Harmony Windsor Site application may be deemed inadequate, and the application may be denied on February 6, 2018, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

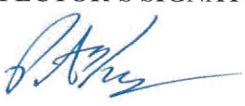
Enclosures – Colorado Division of Water Resources comment letter

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



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.

MINE NAME: Harmony Windsor Site	MINE/PROSPECTING ID#: M-2017-056	MINERAL: Sand and gravel	COUNTY: Weld
INSPECTION TYPE: Preoperation Inspection	INSPECTOR(S): Peter S. Hays	INSP. DATE: January 17, 2018	INSP. TIME: 09:00
OPERATOR: Serfer Land Ventures, LLC.	OPERATOR REPRESENTATIVE: Kevin Anderson, Bill Schenderlein	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Pre-Operation Inspection	BOND CALCULATION TYPE: IT.Bondcalculationtype.CD.Desc	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: January 18, 2018	

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</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>N</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

OBSERVATIONS

This was a pre-operational inspection of the Harmony Windsor Site conducted by Peter Hays with the Division of Reclamation, Mining and Safety (Division/DRMS). Mr. Kevin Anderson with Serfer Land Ventures, LLC. and Mr. Bill Schenderlein with Blue Earth Solutions, LLC were present during the inspection.

The 110 limited impact construction materials permit application was received by the Division on November 29, 2017. The application was deemed complete on January 8, 2018. The Applicant published public notice as required by Rule 1.6.2(d) on January 12, 2018. The public comment period for the newspaper publication ends on January 23, 2018. No objections to the application have been received by the Division as of the date of this report. The decision due date for the application is February 6, 2018.

The application proposes a 9.9 acre site divided into 3 mining phases with 6.4 acres of mining disturbance and 3.4 acres of disturbance for roads. The Applicant anticipates the mining and reclamation of the site to occur in four (4) months starting in late February. The sand and gravel deposit is estimated at 10 feet below the existing grade. The topsoil depth is estimated at less than 4 inches. Topsoil and overburden will be stripped and stockpiled separately prior to mining activities. Mining Phases 1 and 2 are separated by the Sinclair pipeline which bisects the site. The site is planned to be mined with a minimum 20 foot offset from the permit boundary at 0.5H:1V slopes. Reclamation will be concurrent and 3H:1V slopes will be created by backfilling the mine highwalls with overburden. Topsoil is planned to be replaced at a depth of two (2) inches on the pit floor and four (4) inches on the pit slopes.

The site vegetation consisted of intermediate wheatgrass and other wheatgrass varieties. The southern portion of Mine Phase 2 and the northern portion of Mine Phase 3 consisted of non-vegetated fill material placed by the landowner to level the areas.

An entrance sign was not posted as required by Rule 3.1.12. The permit boundary were observed as required by Rule 3.1.12 and mining limit markers were installed. The Applicant was aware of the requirement to post a sign prior to starting the mining operation. All permanent man-made structures within 200 feet of the proposed affected area appear to have been identified by the Applicant. The required notice sign was posted at the site entrance from WCR 74.

Photographs taken during the inspection are attached. The Division will send an application adequacy letter after the end of the public comment period.

Inspection Contact Address

Kevin Anderson
Serfer Land Ventures, LLC.
7785 Highland Meadows Parkway
Fort Collins, CO 80528

Ec: Wally Erickson, DRMS

PHOTOGRAPHS



Notice sign at entrance off of WCR 74



View of Mine Phase 1 from east side looking west



View of Mine Phase 2 from east side looking west



View of Mine Phase 3 from north side looking south