



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

July 17, 2018

Aggregate Industries – WCR, Inc.

Attn: Connie Davis

1687 Cole Boulevard, Suite 300

Golden, Colorado 80401

**RE: Hazeltine Mine, M-2004-031
Technical Revision No. 6, (TR06), Adequacy Review No. 1**

Dear Mrs. Davis,

The Colorado Division of Reclamation, Mining, and Safety (DRMS or Division) received TR06 on July 12, 2018. The Division has reviewed the technical revision and has identified several adequacy review items that will need to be addressed prior to the Division's approval of the revision. These adequacy review items are listed below:

1. When the Bull Seep receives water from the Fulton Ditch from the southwest corner turnout on the Orr property, it is likely a large amount of this flow will enter the open Orr Drain and flow into the pit. According to the Tetra Tech designs submitted for the Orr Drain with Amendment No. 1 (AM01), the drain was not designed to convey the surface flows from the Bull Seep. Please explain and/or demonstrate the Orr Drain is sized sufficiently to convey flows from the Bull Seep when it receives water turned out from the Fulton Ditch. Or, provide a revised design and plan to modify the Orr Drain to accommodate the additional flow.
2. Please provide documentation Aggregate Industries – WCR, Inc. (AI) has the legal water rights and approval of the Colorado Division of Water Resources to capture surface flows from the Bull Seep in the pit. The Permanent Plan; as required by the Mined Land Reclamation Board (Board), must function with little maintenance and continually pumping water from the pit is not an acceptable permanent solution.
3. If AI cannot address the issues identified in items #1 and #2 above, AI will need to provide a revised Permanent Plan that addresses how surface flows from the relocated Bull Seep will be managed so the Orr property will remain dry and the Orr Drain functional when water is turned out into the Bull Seep from the Fulton Ditch. DRMS and AI have had several meetings to discuss various options to address this issue. The Division believes AI should consider working with the owners of the Fulton Ditch to move the turnout for the Bull Seep downstream a sufficient distance from the Orr property.

The Division is required to issue a decision on TR06 by August 13, 2018. Unless AI can provide a viable solution to the adequacy review items identified above, DRMS will not be inclined to extend the decision



July 17, 2018

date for the revision. Failure to obtain approval of the revision will violate the Board's order and may result in additional enforcement action.

If you have any questions feel free to contact me at (303) 866-3567, extension 8120.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert".

Jared Ebert

Environmental Protection Specialist III

EC: Joel Bolduc, AI joel.bolduc@aggregate-us.com
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