



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

September 24, 2018

Steven Zigan
10900 E. 126th Ave.
Brighton, Colorado 80601

**RE: Pit 29, DRMS Permit No. M-1980-183
Complaint Received September 8th, 2018**

Dear Mr. Zigan:

The Colorado Division of Reclamation, Mining, and Safety (DRMS or Division) received a written complaint from you via the online Mining/Prospecting Site Complaint Form on September 8th, 2018. In the complaint form you identified several concerns regarding Pit 29, DRMS permit no. M-1980-183 operated by Brannan Sand and Gravel Company, LLC. (Brannan). The issues identified pertain to the re-installation/repair of the slurry wall around the mine site. We spoke on the phone on Friday September 14, 2018 regarding the issues identified in the complaint form and we agreed that the Division would follow-up with a written response.

The Division agrees the installation of slurry walls in the vicinity of Zigan Lake has impacted the groundwater regime in the area. Regarding Pit 29 (Permit No. M-1980-183), in April of 2004, Brannan was granted approval to install a slurry wall around the pit excavation with the approval of Amendment No. 1 (AM01). It is typical if a slurry wall is damaged during the life of a permitted mine, the Division would require the Operator to repair the slurry in order to comply with the requirements of the reclamation plan. This activity does not typically trigger the need for the operator to obtain additional approval from our Office to conduct the repair work nor would it require a new public notice. The Division is aware of the repair activity and will not be able to release Brannan from their reclamation liability until the slurry wall has been repaired and passes the Office of the State Engineer's leak test requirements. Regarding the French Drain installed by Brannan in 2015, the Division received certified as-built designs for the drain in February of 2016 and based on the groundwater elevation data Brannan is collecting, the drain appears to be functioning as designed.

Per our telephone conversation, it does not appear the Zigan Homeowners Association is experiencing specific damages at this time but there is a general concern regarding the groundwater elevations around the area. The Division acknowledges your concern and has placed a copy of complaint along with this response letter into the file for this site. Brannan monitors the groundwater levels around Pit 29 and submits this data to the Division on a quarterly basis. This information is filed and is available for review on our website. The Division reviews the groundwater elevation data submitted each quarter. At this time, there are no further mitigation activities required of Brannan regarding groundwater levels.



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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", with a stylized flourish at the end.

Jared Ebert
Environmental Protection Specialist III

EC: Joshua Oliver, Brannan Sand and Gravel Company, LLC., joliver@brannan1.com