




## 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><br>DPG Pit                             | <b>MINE/PROSPECTING ID#:</b><br>M-2019-028   | <b>MINERAL:</b><br>Sand and gravel                                 | <b>COUNTY:</b><br>Weld      |
| <b>INSPECTION TYPE:</b><br>Preoperation Inspection       | <b>INSPECTOR(S):</b><br>Amy Eschberger   | <b>INSP. DATE:</b><br>August 20, 2019                              | <b>INSP. TIME:</b><br>10:00 |
| <b>OPERATOR:</b><br>J-2 Contracting Company              | <b>OPERATOR REPRESENTATIVE:</b><br>Chris Leone, J.C. York  | <b>TYPE OF OPERATION:</b><br>112c - Construction Regular Operation |                             |
| <b>REASON FOR INSPECTION:</b><br>Preoperation Inspection | <b>BOND CALCULATION TYPE:</b><br>Complete Bond   | <b>BOND AMOUNT:</b><br>TBD   |                             |
| <b>DATE OF COMPLAINT:</b><br>NA                          | <b>POST INSP. CONTACTS:</b><br>None  | <b>JOINT INSP. AGENCY:</b><br>None                                 |                             |
| <b>WEATHER:</b><br>Clear                                 | <b>INSPECTOR'S SIGNATURE:</b><br> | <b>SIGNATURE DATE:</b><br>September 20, 2019                       |                             |

### 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>Y</u>    | (RD) ROADS----- <u>Y</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-operation inspection of the DPG Pit (File No. M-2019-028) conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division). The operator was represented by Chris Leone and J.C. York during the inspection. The 112 Construction Materials Reclamation Permit application was filed with the Division on May 30, 2019. The Division received three comments on the application (from Division of Water Resources, Town of Kersey, and History Colorado) within the public comment period that closed on July 23, 2019. The Division has issued two adequacy review letters for the application, the last of which was sent to the operator on September 13, 2019. The decision date for the application has been extended twice per the applicant's request, and is currently set for September 30, 2019.

The site is located approximately three miles east of Greeley, CO in Weld County. The site can be accessed from the southwest off Holly Ave. The site is situated adjacent to and east of Weld County Parkway, between the Cache La Poudre and South Platte Rivers, right before their confluence. The proposed affected lands are located within the 100-year floodplain of the adjacent rivers. The proposed affected lands are owned by DPG Farms, LLC. The primary present land use for the site is agricultural (corn fields). **Photos 1-30** taken during the inspection are included with this report.

This is a proposed 112c operation to mine sand and gravel for road base and construction aggregates. The proposed permit area (and affected area) is 227.52 acres (see enclosed Google Earth image of site). Various mining setbacks are proposed from the numerous existing structures located within 200 feet of the proposed affected land boundary. The proposed mining plan includes mining the site in five phases, starting in the northwestern portion of the site, and commencing in a counter-clockwise fashion to end in the northeastern portion of the site (see enclosed Exhibit C-4 and C-5 Mining Plan Maps). The maximum mining depth will be 114 feet (12 feet maximum overburden + 102 feet maximum aggregate deposit). The operation will maintain 3H:1V mining slopes. The deposit will be dry mined by installing a total of four slurry wall enclosures around mining areas. The first slurry wall enclosure will encompass mining phases 1 and 2. The other three slurry wall enclosures will encompass a single mining phase (Phases 3-5). Dewatering trenches will be excavated around the perimeter of each mining area prior to mining operations commencing. The depth of the ditches will vary as the mining progresses deeper into the alluvium in order to maintain the groundwater level below the active pit bottom. The dewatering ditches will flow to a collection pond located in the northeastern portion of the site (in Phase 5), from which the water will be pumped through a buried pipeline to discharge into the Cache La Poudre River. The operator will obtain a discharge permit from the CDPHE, WCQD for the proposed outfall. The operator will also obtain a Substitute Water Supply Plan from the DWR to cover a maximum of 8.77 acres of exposed groundwater (for dewatering ditches, fresh water pond, process water ditch, settling ponds, and a recharge pond).

An aggregate processing plant and a concrete and asphalt batch plant will operate on site outside of the 100-year floodways for the nearby rivers. These areas will include material stockpiles, portable equipment, storage bins, and silos, as necessary to support the plant operations. Concrete truck washout and excess concrete and asphalt product dumping will also occur in these areas. Additionally, salvaged overburden and topsoil will be stored in these areas outside of the 100-year floodways.

The proposed post-mining land use for the site is developed water resources. The proposed reclamation plan includes leaving four slurry wall lined water storage reservoirs with a combined surface area of 176.80 acres (see enclosed Exhibit F-1 and F-2 Reclamation Plan Maps). Inlet/outlet spillways will be installed on pit slopes and designed per the Urban Drainage and Flood Control District's Technical Review Guidelines for Gravel Mining and Water Storage Activities Within or Adjacent to 100-Year Floodplains (UDFCD Guidelines). The spillways will be installed as mining progresses down in each phase. For the phases located adjacent to the



Cache La Poudre River (Phases 1, 2, and 5), the riverside spillways will be installed prior to installing the pitside spillways. The pit crests will be kept a minimum of 150 feet from the Cache La Poudre River per UDFCD Guidelines, which allow a minimum 150 foot top width of the riverside berm in cases where the river is maintained in its existing unstable alignment and protection is provided for both the riverbank and the pitside slope, as is proposed in this application. All processing and batch plant equipment will be mobile, and therefore, will not require demolition for reclamation. The scale and scale house foundations will require demolition for reclamation. Disturbed land around the reservoirs, including reservoir slopes above the expected reservoir water level, will be retopsoiled at a depth of 12 inches, and revegetated with a mixture of grasses recommended by the Greeley Natural Resource Conservation Service. Roads will remain around the perimeters of the reservoirs for continued access and maintenance of spillways.

The proposed maximum disturbance at this time is 92.55 acres (see enclosed Exhibit L Reclamation Phasing Map). This includes the Phase 1 mining area (27.15 acres), a stockpiling/processing/batch plant area in Phases 3 and 4 (33.50 acres), a loadout area in Phase 3 (10.40 acres), a process water and recharge pond area in Phase 5 (19.57 acres), and an access road and scale house area in the southwestern portion of the site (1.93 acres). Prior to disturbing Phase 2 and/or additional land, the operator will submit a Technical Revision to increase the maximum disturbed area and reassess the required financial warranty accordingly. For the initial required financial warranty, the Division has accepted the operator's proposal to submit a combination of dedicated water shares and \$150,000 to cover administrative costs for converting the water shares to augmentation use in lieu of submitting 100% of costs for installing the Phase 1 slurry wall. However, this bonding approach will only be accepted for Phase 1 mining. If, prior to opening up Phase 2, the operator is able to provide the Division with a letter from the State Engineer's Office approving the Phase 1 slurry wall enclosure, the operator will be required to post only 20% of total installation costs for that enclosure, rather than the full 100%. The Division has not yet calculated the required financial warranty for the proposed operation. This will be completed once the operator has provided the information requested in the Division's 2<sup>nd</sup> adequacy review letter.

During the inspection, an appropriate public notice sign was posted at the main site entrance off Holly Ave. However, the Division could not find any markers delineating the proposed permit/affected land boundary. Prior to commencing with operations, the permit boundary will need to be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries, in accordance with Rule 3.1.12(2). The proposed northern permit boundary is somewhat parallel with the Cache La Poudre River, the proposed eastern permit boundary is parallel to an adjacent pipeline easement, the proposed southern boundary is somewhat parallel to an irrigation ditch (except at its southwestern edge around the access area and at its southeastern edge where the boundary inverts around an existing water diversion structure), and the proposed western permit boundary is parallel to the adjacent Weld County Parkway.

As mentioned above, there are numerous existing structures present on and within 200 feet of the proposed affected lands. These structures include powerlines/poles, phone lines/poles, oil and gas lines and associated structures, fences, buildings/sheds, irrigation channels/ditches/pipelines, and roads. Most if not all of the existing structures located within the proposed affected land will need to be removed and/or relocated once the mining operation moves into that area. The operator has demonstrated that structure agreements were sent to all owners of structures located on or within 200 feet of the proposed affected land boundary. However, at this time, the operator has only received an executed structure agreement for structures owned by the landowner, DPG Farms LLC, in which the owner acknowledges that their structures will be impacted by the operation. The operator has indicated they are working to obtain similar agreements with the other owners of structures that will be impacted by the operation. Until such agreements have been obtained and provided to the Division, the operation will keep a minimum 200 foot setback from these structures. For structures located within 200 feet of the proposed affected land boundary, the operator has provided an acceptable engineering evaluation that demonstrates these structures will not be damaged by activities occurring at the mining operation. The Division

did not observe any structures during the inspection which were not accounted for in the application.

The Division observed the proposed pit entrance off Holly Ave, at the southwestern edge of the site. A pit access road will be constructed off this road across the existing field to the north, to enter the site through the Phase 3 mining area. At this location, Holly Ave appears to be unmaintained and is barricaded at its junction with Weld County Parkway. The majority of the proposed affected lands presently consist of agricultural fields (primarily corn fields). The south-central area (between the corn fields) currently has 6-7 existing buildings owned by DPG Farms LLC. These structures will need to be removed and/or relocated to make room for the proposed aggregate processing and batch plant operations. An existing borrow pit is present in the northern portion of Phase 5, which will be utilized as a recharge pond. The Division observed the proposed discharge point at the northeastern edge of the permit area (in Phase 5) where a dewatering pipe will extend from the recharge pond to the river. The outfall would be located on the cutbank side of the river, where the riverbank has near vertical slopes and is approximately 5 feet in height from the water surface. Dense vegetation is present along the edges of the river at this location.

The operation has installed nine groundwater monitoring wells within and adjacent to the proposed affected lands, and has been collecting monthly water level data from these wells since April of 2019. The operator has committed to collecting a minimum of one year of monitoring data, to establish a baseline for the seasonal groundwater elevations, prior to commencing with dewatering operations and/or slurry wall installation. The operator will continue monitoring groundwater levels on a monthly basis throughout the mining operation, and report the data to the Division in its annual report submittal. The operator has indicated the trigger for implementing the proposed groundwater mitigation plan would be a plus or minus two foot change in groundwater levels from the seasonal groundwater levels observed in the baseline data. The Division observed the locations of seven of the nine monitoring wells during the inspection (MW-2, MW-3, MW-4, MW-5, MW-7, MW-8, and MW-9).

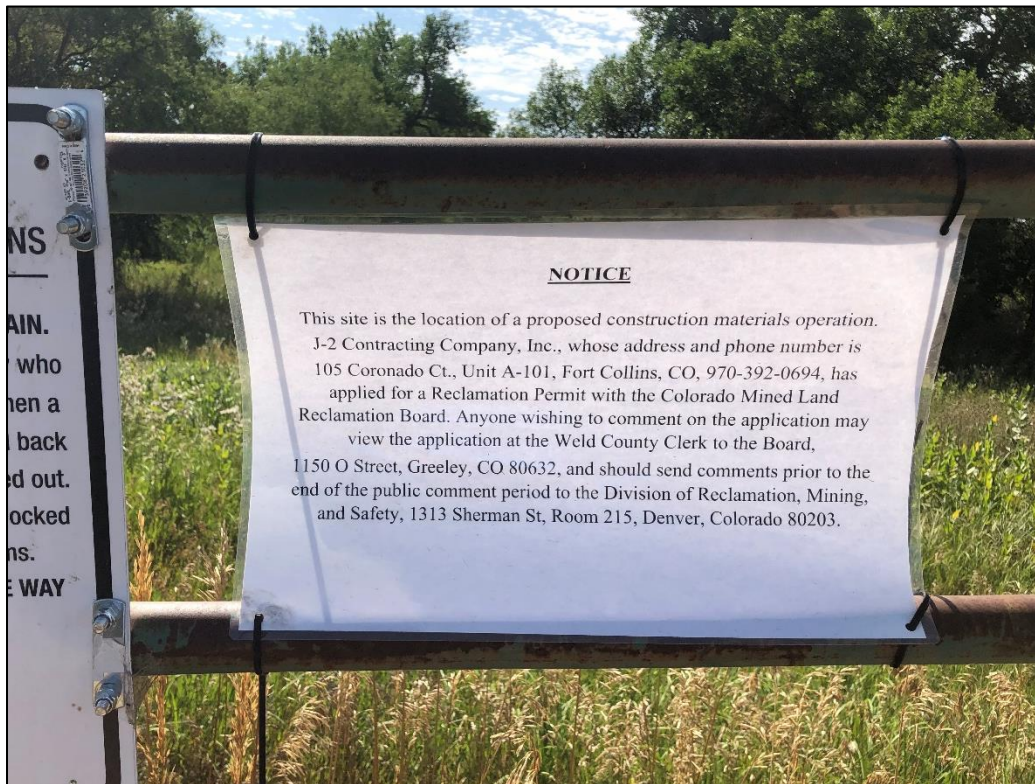
The application includes the results of an aquatic resource delineation survey which identified several aquatic resources within and nearby the proposed affected land boundary, some of which are likely non-jurisdictional, and others which are likely considered jurisdictional and subject to Section 404 of the Clean Water Act. The operator has requested a jurisdictional determination on these resources from the U.S. Army Corps of Engineers (USACE). The determination has not been received at this time. However, the operator recently informed the Division the USACE intends to conduct a site visit next week, which indicates the determination may be forthcoming. The operation must not commence with dewatering activities at the site until this determination has been received and a copy provided to the Division. If any of the identified aquatic resources are determined to be jurisdictional, the operator may need to submit a permit revision to comply with the requirements of Section 404 of the Clean Water Act, including demonstration of compliance with Rule 3.1.6(1) with regard to potential dewatering impacts to the jurisdictional aquatic resources. The operator does not anticipate any of the aquatic resources identified within the proposed affected lands will be considered jurisdictional.

Based on the observations made during the inspection, the site conditions presented in the application were found to be accurate.

This concludes the report.

*Any questions or comments regarding this inspection report should be forwarded to Amy Eschberger at the Colorado Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at 303-866-3567, ext. 8129, or via email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).*

## PHOTOGRAPHS



**Photo 1.** View of public notice sign posted at main site entrance off Holly Ave.



**Photo 2.** View looking east across south-central portion of permit area to be used for batch plant operations and fuel storage. Note existing structures present which will need to be removed and/or relocated for the operation.





**Photo 3.** View looking north across south-central portion of permit area to be used for batch plant operations and fuel storage. Note existing structures present which will need to be removed and/or relocated for the operation.



**Photo 4.** View looking northwest across south-central portion of permit area to be used for batch plant operations and fuel storage, showing existing buildings and fences owned by DPG Farms LLC which will need to be removed and/or relocated for the operation.





**Photo 5.** View looking east across south-central portion of permit area to be used for batch plant operations and fuel storage, showing existing buildings owned by DPG Farms LLC and power pole owned by Xcel Energy which will need to be removed and/or relocated for the operation.



**Photo 6.** View looking east across irrigation ditch and diversion structure (owned by Delta Irrigation Company) located just south of the southern permit boundary. The operation will maintain a 60 foot setback from the ditch at this location.





**Photo 7.** View looking northwest from southern permit boundary across eastern portion of proposed mining phase 3. Note this area is presently used for agricultural purposes.



**Photo 8.** View looking north across feature identified on Exhibit C-3 as “DPG Pond”, located near center of permit area. This is one of the aquatic resources identified in the application (resource D) for which a jurisdictional determination from USACE is pending.





**Photo 9.** View looking northwest across existing gravel road that runs northwest-southeast between proposed mining phases 1 and 2.



**Photo 10.** View looking east across one of the aquatic resources identified in the application (resource E) for which a jurisdictional determination from USACE is pending.





**Photo 11.** View looking south across northern portion of proposed mining phase 2.



**Photo 12.** View looking south across eastern portion of proposed mining phase 2.





**Photo 13.** View of monitoring well MW-5 installed near northern permit boundary, north of proposed mining phase 1.



**Photo 14.** View looking west across existing gravel road present along northern edge of site.





**Photo 15.** View looking south across western portion of proposed mining phase 5, showing existing building owned by DPG Farms LLC which will need to be removed and/or relocated for the operation.



**Photo 16.** View looking southeast across northern portion of proposed mining phase 5, which the landowner has previously used as a borrow area.





**Photo 17.** View looking east across northern portion of proposed mining phase 5, showing existing gas valve owned by Noble Energy.



**Photo 18.** View looking east (downstream) across the Cache La Poudre River, showing approximate location of proposed outfall for recharge pond (from cutbank at right).





**Photo 19.** View looking south across northeastern portion of proposed mining phase 5.



**Photo 20.** View looking east across existing irrigation ditch owned by Delta Irrigation Company that runs parallel to proposed southern permit boundary. This location is just south of proposed mining phase 4.





**Photo 21.** View looking east along existing gravel road which runs parallel to proposed southern permit boundary. The corn field present in the proposed mining phase 4 (at left) was being irrigated during the inspection.



**Photo 22.** View looking east, showing existing water diversion structure owned by Delta Irrigation Company, present at southern edge of site. The proposed southern permit boundary inverts around this structure, so it is excluded from the permit area.





**Photo 23.** View looking east across southern portion of water diversion structure shown in Photo 22.



**Photo 24.** View looking north across irrigation ditch owned by DPG Farms LLC which runs north-south across center of proposed mining phase 4. This ditch will eventually be mined through once the operation moves into phase 4.





**Photo 25.** View looking west, showing monitoring well MW-8 (circled) which is located south (and outside) of the proposed permit area, near Holly Ave.



**Photo 26.** View looking north across southern edge of proposed mining phase 3.





**Photo 27.** View looking south from Holly Ave, showing existing Goza house located just south (and outside) of proposed southern permit boundary, near pit entrance.



**Photo 28.** View looking west across (unmaintained) portion of Holly Ave, at southwestern edge of proposed permit area. Proposed pit entrance off this road is located further west (in distance).





**Photo 29.** View looking north from Holly Ave, showing approximate location of proposed pit access road to be constructed across existing field.



**Photo 30.** View looking north at existing water diversion structure (in foreground) and irrigation ditch owned by Delta Irrigation Company, located in southwestern corner of proposed permit area. Proposed access road will be constructed east of this structure.

**Inspection Contact Address**

Chris Leone  
J-2 Contracting Company  
105 Coronado Ct.  
Fort Collins, CO 80525

Encls: Google Earth image of site  
Exhibit C-4 - Mining Plan Map  
Exhibit C-5 - Mining Plan Map  
Exhibit F-1 - Reclamation Plan Map  
Exhibit F-2 - Reclamation Plan Map  
Exhibit L – Reclamation Phasing Map

CC: J.C. York, J&T Consulting, Inc.  
Michael Cunningham, DRMS



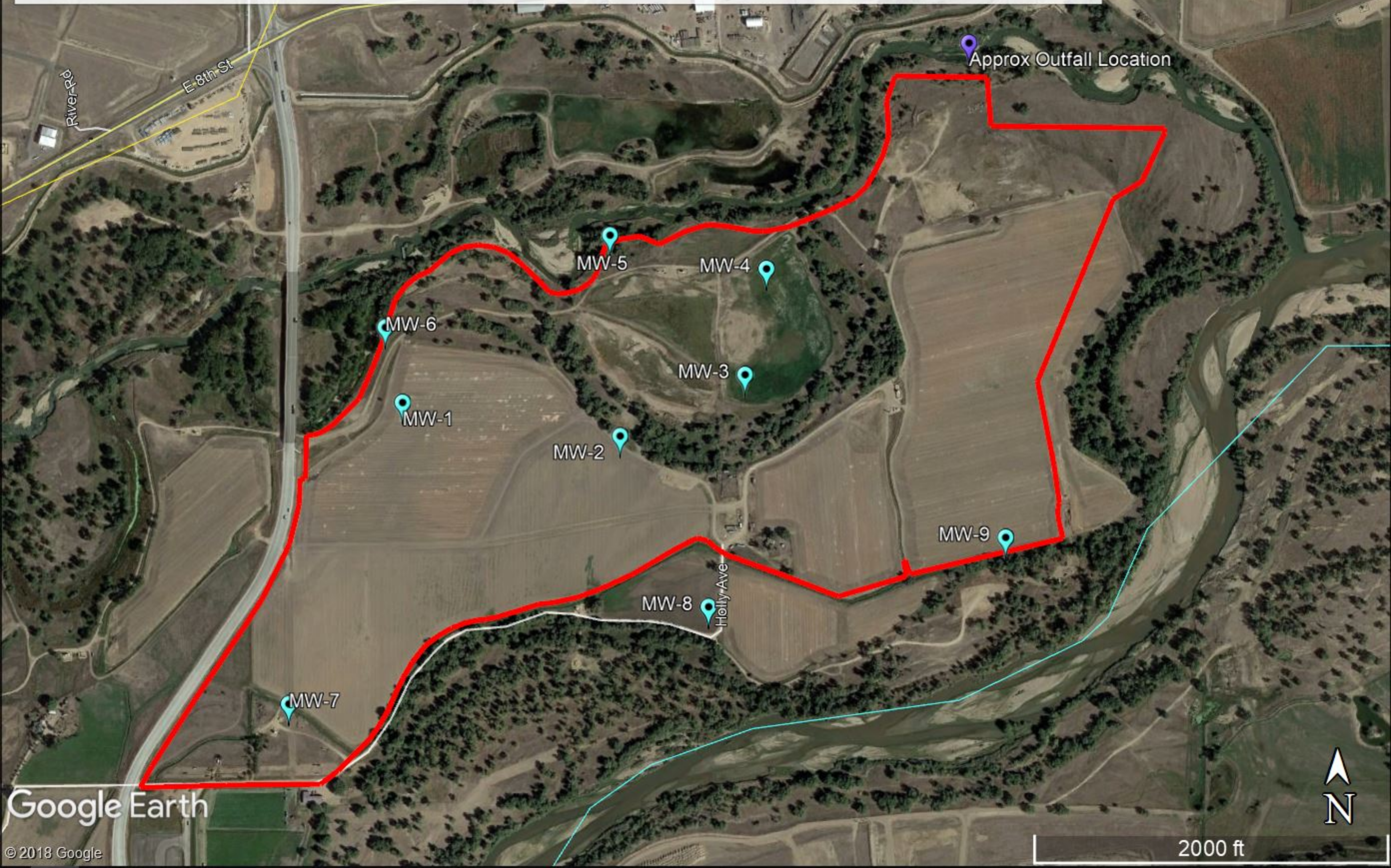
# M-2019-028 / DPG Pit / J-2 Contracting Company

Red Outline = 227.52 acres = Proposed Permit Area (location approximated based on site maps submitted in application)

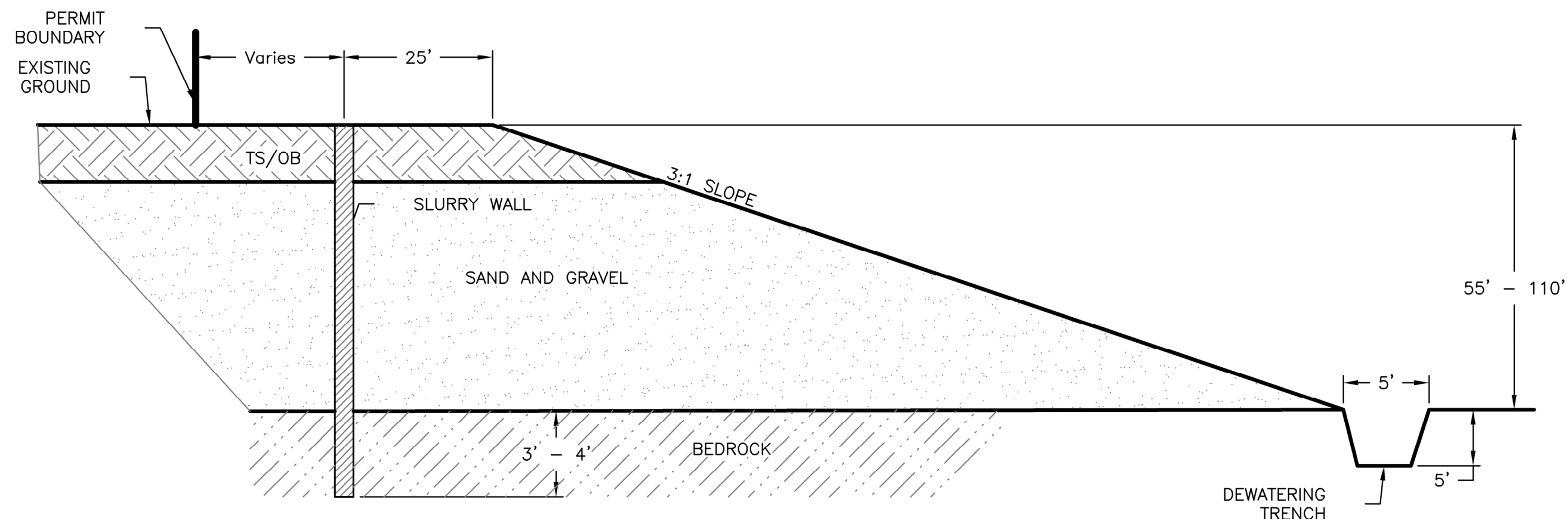
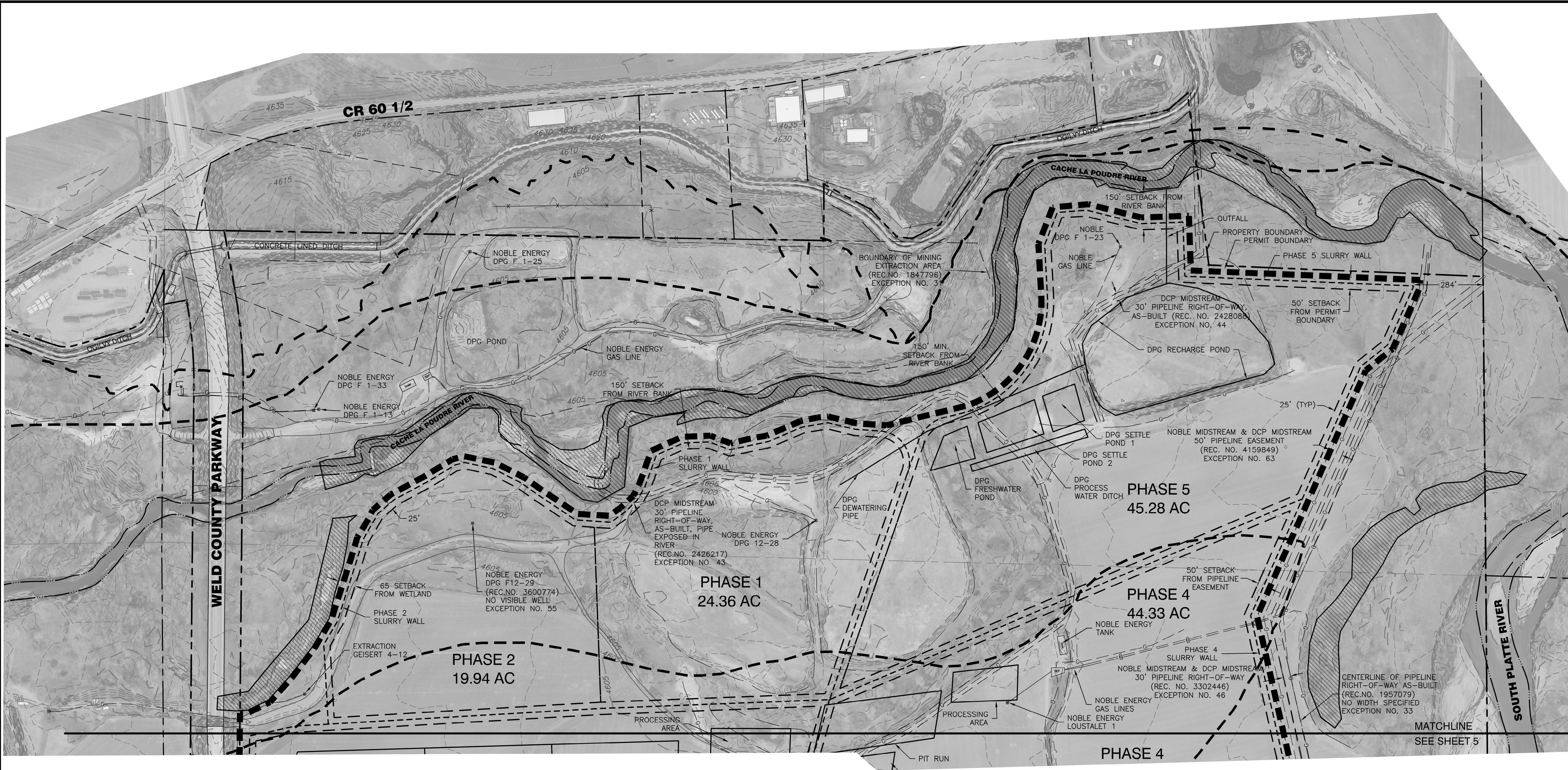
Purple Pin = Approximate location of proposed outfall

Blue Pins = Approximate location of site monitoring wells (MW-1 - MW-9)

(Image data from: 9/12/2018)

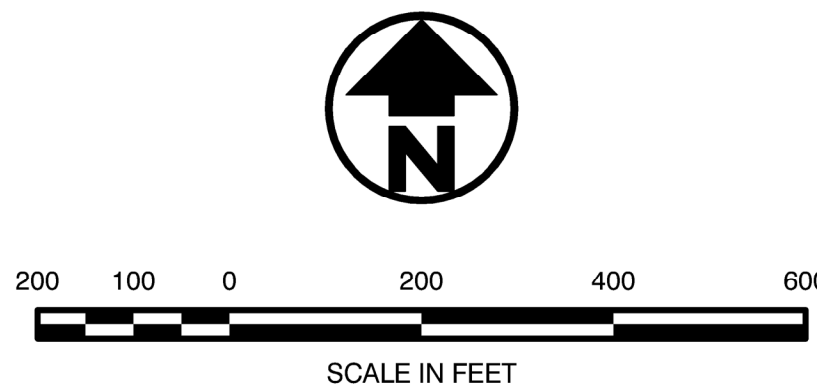






TYPICAL MINING SECTION  
N.T.S.

- LEGEND:**
- UTILITY POLE
  - GAS TANK
  - GAS VALVE
  - WELL
  - PROPERTY LINE
  - EXISTING FENCE LINE
  - EXISTING GAS LINE
  - EXISTING EASEMENT
  - GRAVEL ROAD
  - PROPOSED PERMIT BOUNDARY
  - PROPOSED SLURRY WALL
  - MINING PHASE LIMIT
  - JURISDICTIONAL WETLAND
  - 100 YR FLOODWAY
  - 100 YR FLOODPLAIN



**J&T Consulting, Inc.**  
305 Denver Avenue - Suite D  
Fort Lupton, CO 80621  
Ph: 303-857-6222 Fax: 303-857-6224  
www.jtconsulting.com

**DPG Site**

Exhibit C-4  
Mining Plan Map

**J-2 Contracting Company**

**M 2019-028**

| REVISIONS |         | Description |     |
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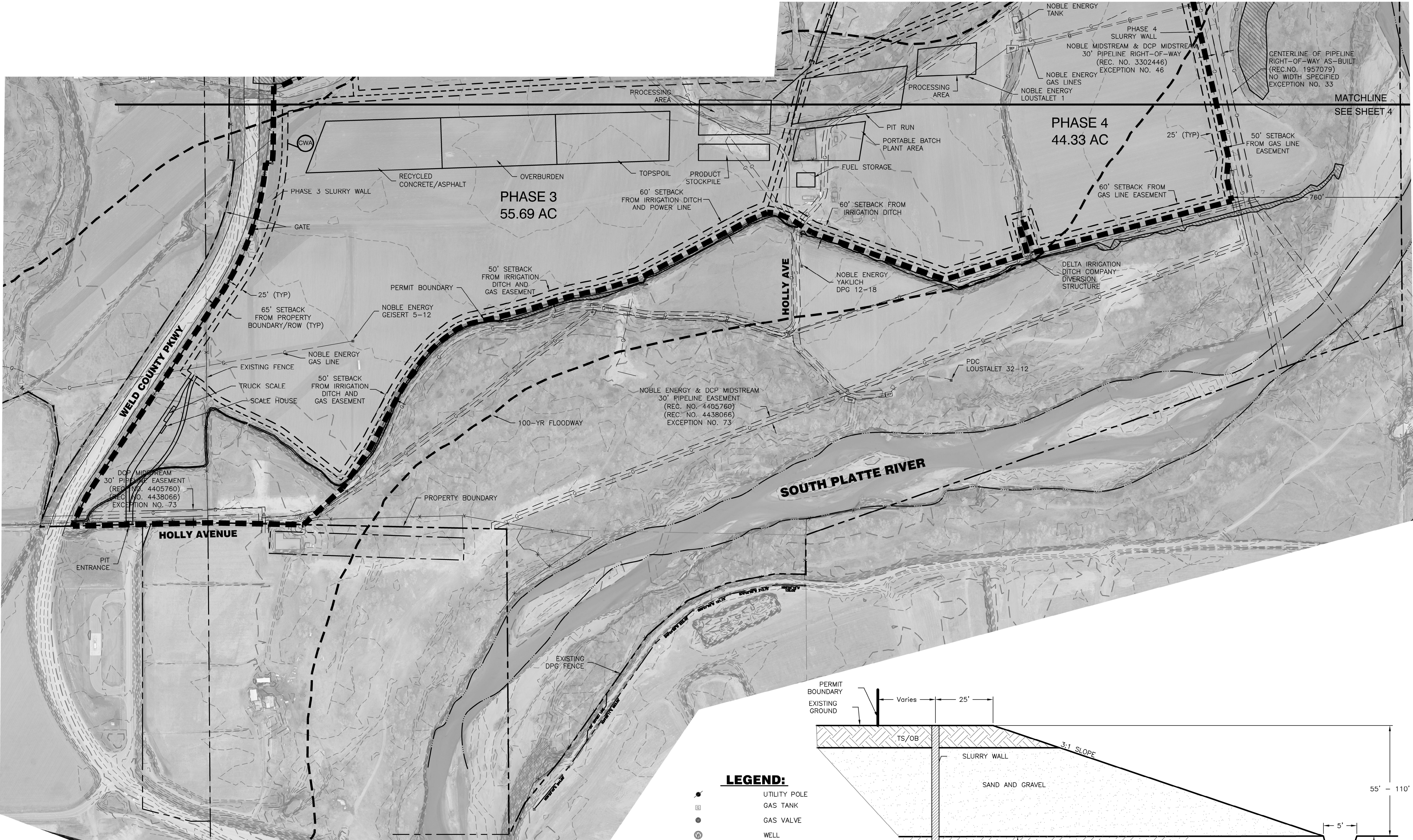
**J&T CONSULTING**

*J.C. York*

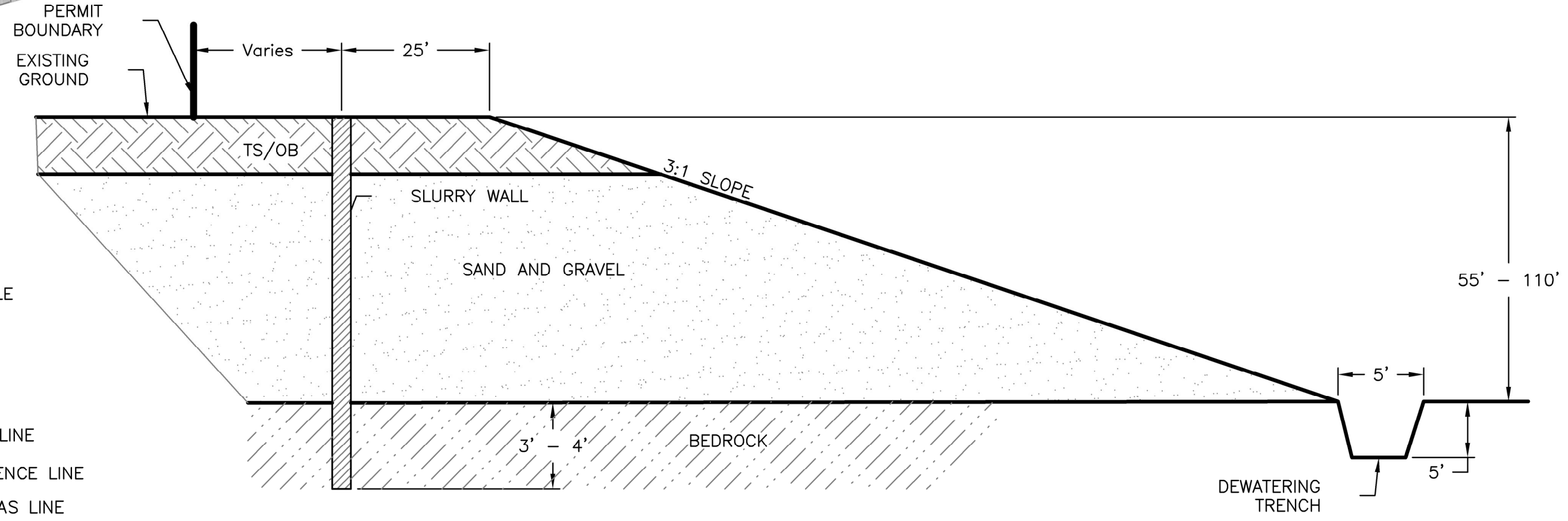
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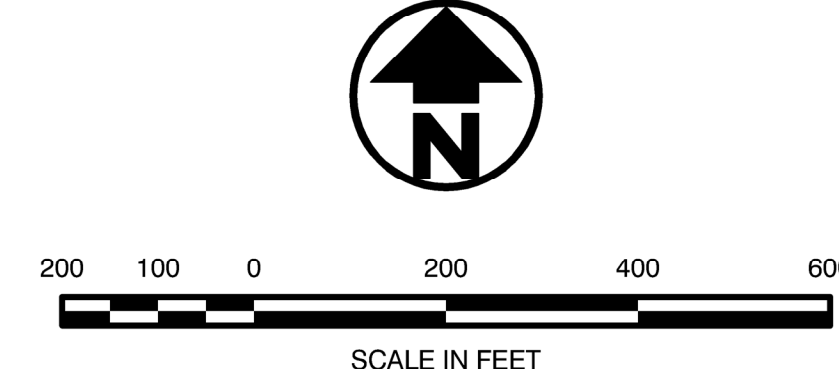




- LEGEND:**
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  - GAS TANK
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  - WELL
  - PROPERTY LINE
  - EXISTING FENCE LINE
  - EXISTING GAS LINE
  - EXISTING EASEMENT
  - GRAVEL ROAD
  - PROPOSED PERMIT BOUNDARY
  - PROPOSED SLURRY WALL
  - MINING PHASE LIMIT
  - JURISDICTIONAL WETLAND
  - 100 YR FLOODWAY
  - 100 YR FLOODPLAIN
  - CONCRETE WAASH AREA



**TYPICAL MINING SECTION**  
N.T.S.



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**DPG Site**  
Exhibit C-5  
Mining Plan Map

**J-2 Contracting Company**  
**M 2019-028**

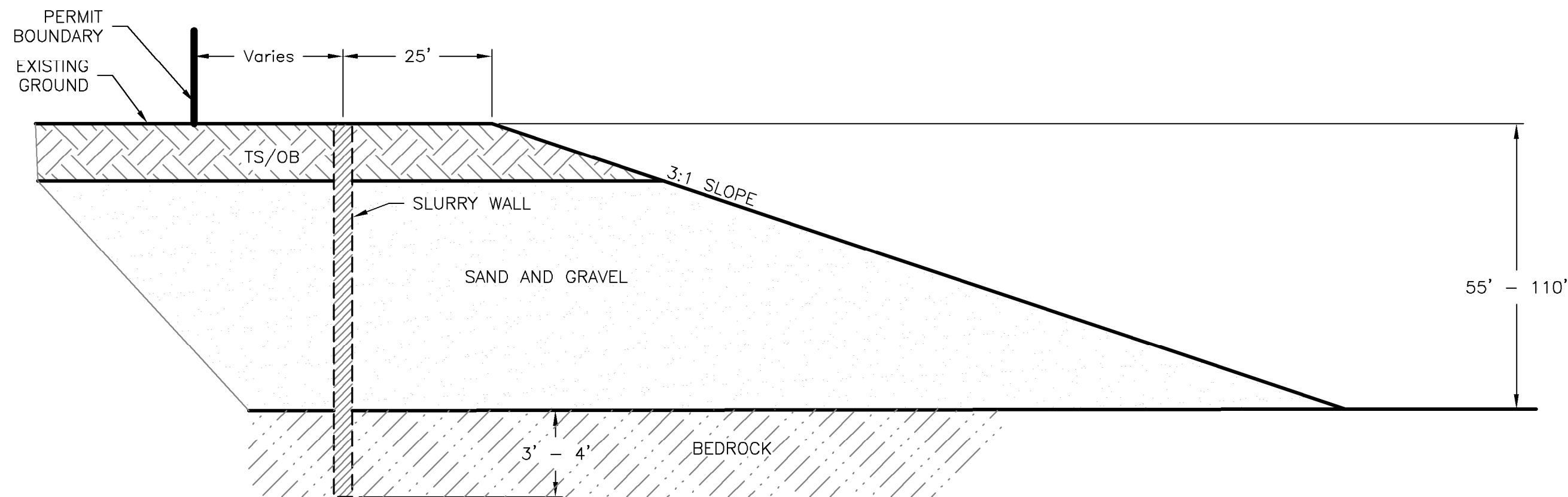
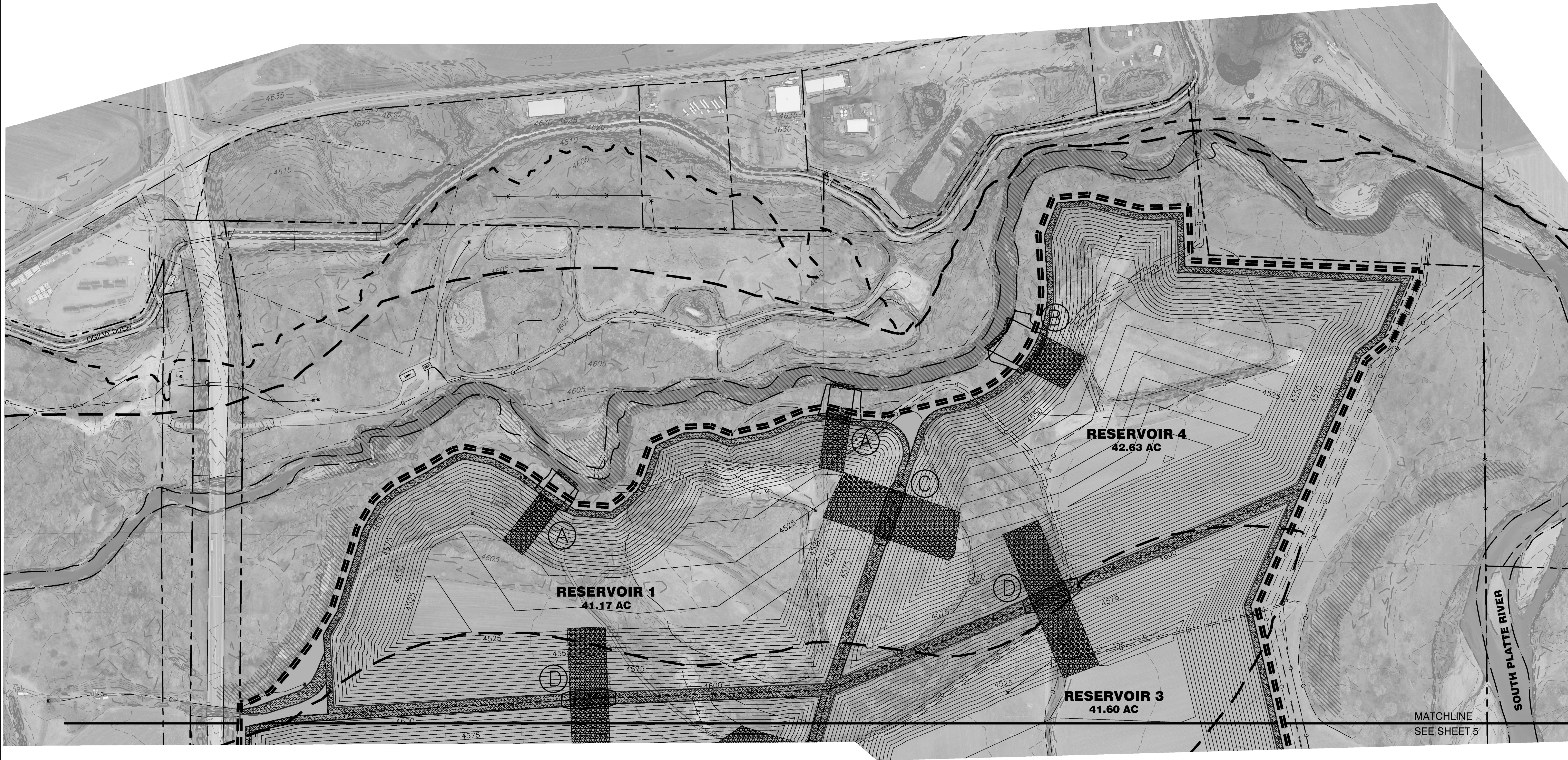
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|           |         | Adequacy Review, Response 1 |     |

**J&T CONSULTING**  
*J.C. York*

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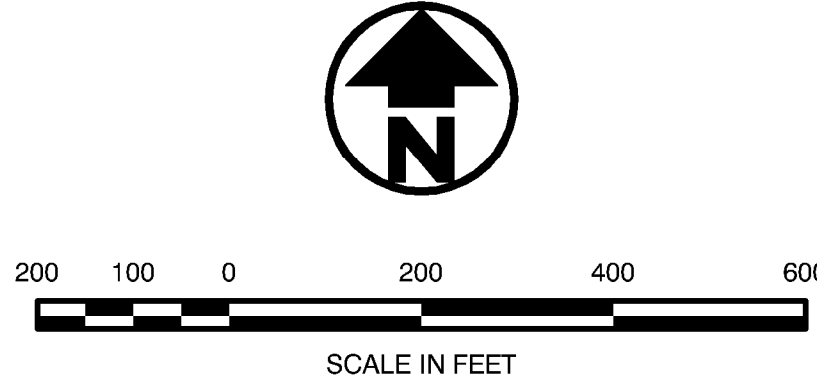
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**TYPICAL RECLAMATION SECTION**  
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- LEGEND:**
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  - WELL
  - PROPERTY LINE
  - EXISTING FENCE LINE
  - EXISTING GAS LINE
  - EXISTING EASEMENT
  - GRAVEL ROAD
  - PROPOSED PERMIT BOUNDARY
  - PROPOSED SLURRY WALL
  - JURISDICTIONAL WETLAND
  - SEEDING AREA
  - ACCESS ROAD
  - SPILLWAY TYPE (SEE DETAILS SHEET 3 & 4)
  - 100 YR FLOODWAY
  - 100 YR FLOODPLAIN

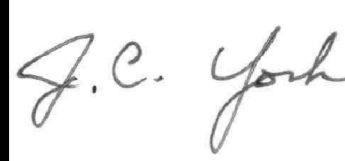


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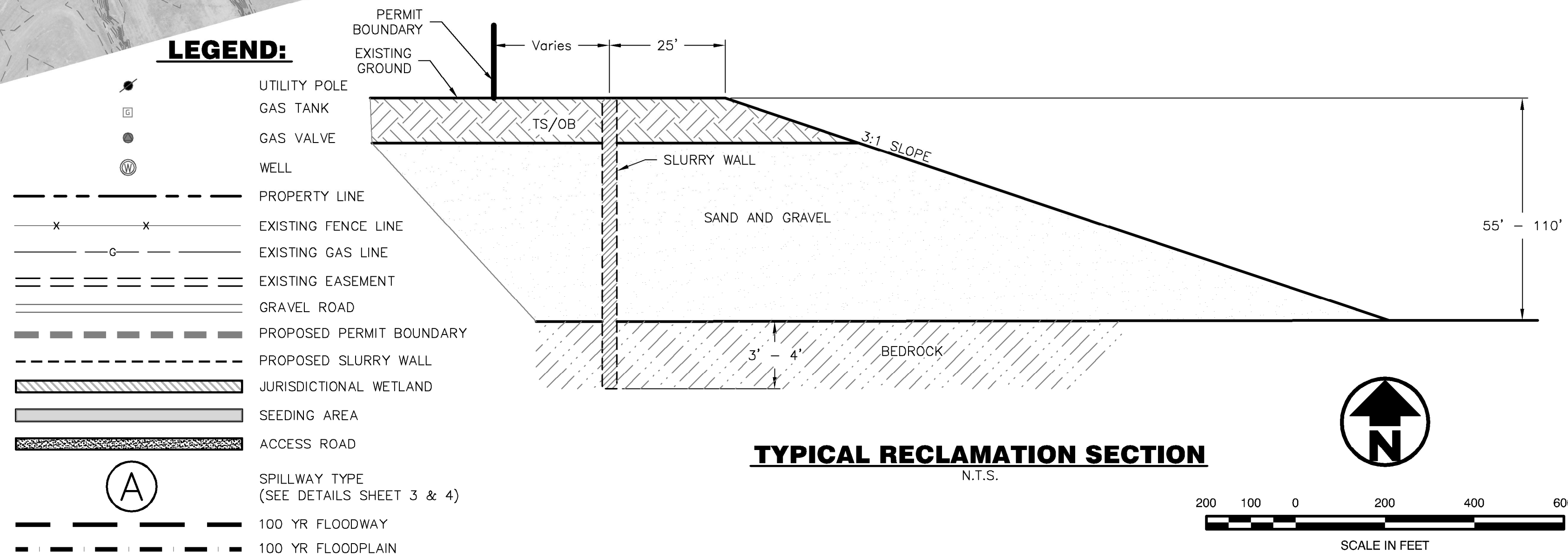
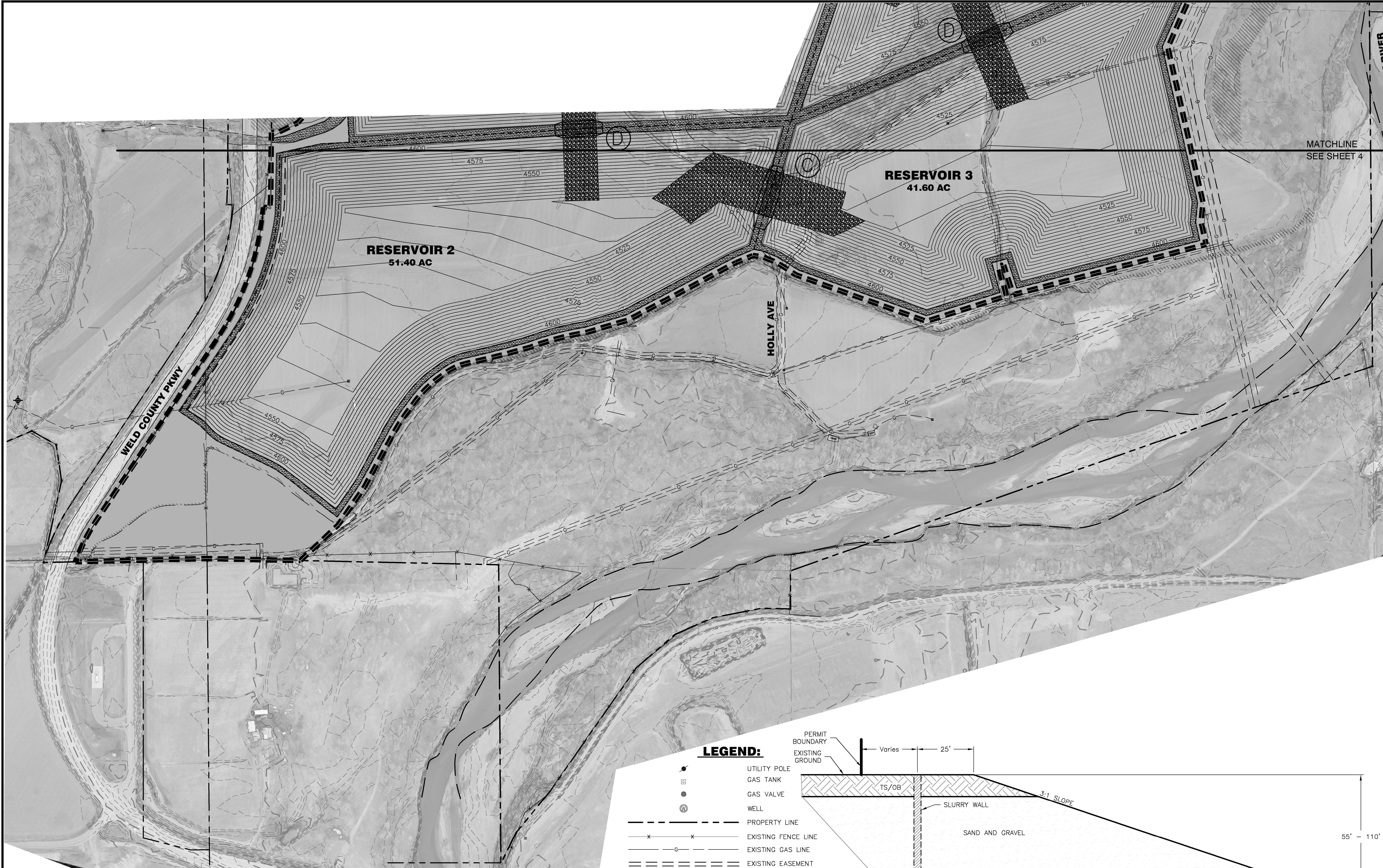
**DPG Site**  
Exhibit F-1  
Reclamation Plan

**J-2 Contracting Company**  
**M2019-028**

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**DPG Site**  
Exhibit F-2  
Reclamation Plan

**J-2 Contracting Company**  
**M2019-028**

| REVISIONS |         | Description |     |
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