

Mr. Stewart Olive  
March & Olive, LLC  
1312 S. College Avenue  
Fort Collins, CO 80524

February 17, 2021

Re: *Prowers Aggregate Operators, LLC Reclamation Permit M2008-078*

Mr. Olive:

Prowers Aggregate Operators, LLC ("PAO") received your comment letter to the DRMS on February 10, 2021. We are reaching out to you to address the comments you provided to the DRMS.

Your letter indicates that our operation deposits dust and particulates on to the Nunnery properties and it is coming from the sand piles at the railroad loadout PAO operates. At no time in the past have the Nunnerys notified PAO of any concerns regarding fugitive dust emissions from the site so this is the first time we are hearing of their concern. PAO offers the following facts regarding the claims made by the Nunnerys.

PAO has multiple APEN permits with the Colorado Department of Health and Environment ("CDPHE") which together regulate emissions from the mining operation, and PAO operates in compliance with those permits.

PAO conveys washed sand to the locations you referred to in your letter as *"the large mounds of uncovered and unsprinkled sand and gravel north of the railroad tracks"*. This material is wet when it is being conveyed to the piles and remains wet for a considerable time, in particular since more wet sand is routinely deposited onto the pile after being washed and conveyed to the stockpile area. Further, we also utilize a water truck from time to time to spray the piles for dust control.

From the photos you provided to the DRMS the dust appears to be very fine and of small particulate size. As referenced above, our stockpiles of sand are comprised of washed material. The washing process eliminates the fine particulates and that is in fact the purpose of the process.

We would encourage the Nunnerys to please contact our site superintendent Mr. Roy Cue when they are having issues with dust so that we can help to minimize any dust that may be coming from the piles. Mr. Cue's contact information is provided below so Mr. and Mrs. Nunnery can call him when there are issues with dust.

Regarding your letter's claim about mining setbacks, PAO as part of the DRMS permit



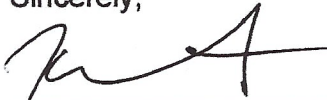
submittal requirements, had an engineering evaluation performed to determine, among other things, acceptable setbacks from structures adjacent to the mining operations. The engineering analysis has determined that the permit boundaries and setbacks from any structures are in all cases compliant with the permitting requirements and regulations.

Your letter indicated the Nunnery's existing well has dropped since PAO began its operation. If the Nunnery's have any information or evidence to support this claim we would appreciate if the Nunnery's would share this information with PAO. For example, do the Nunnery's have measurements over the course of a year or longer showing that the water level in the well has decreased? What is the State permit number for the existing well? PAO has installed a series of monitoring wells throughout its property and regularly monitors the ground water levels in these wells. Indeed, this is a permitting requirement implemented by the DRMS. We would propose monitoring the Nunnery's well on the same schedule/frequency as we monitor the monitoring wells on the PAO property. We would propose that the well level be monitored by our staff on a monthly basis on the same date that we record levels in the monitoring wells at the mine site. We would like to meet with the Nunnery's and determine if there is a port or the ability to remove the cover on the pitless adaptor (typically installed on most domestic wells) so that the level of the water in the well can be recorded.


PAO has installed slurry walls around the existing mining cells/phases so that they do not affect the ground water table by dewatering and pulling the water table down to lower levels. The slurry walls have passed leak testing as required by the State Engineer's Office so they meet the State standards. The slurry wall provides an impermeable barrier so that the ground water does not pass through the slurry wall into the mining cell/phase. The converse is also true; the slurry wall does not allow water to pass through the slurry wall out of the mining cell/phase. Accordingly, the water table outside the slurry walls is not affected by mining operations. The well pumping for the irrigation of the farm ground has also decreased with the acres where the mining is occurring no longer being farmed. There is less water being removed from the alluvial aquifer by the operations for the farming and the mining.

Please contact us if you have further questions so that we can discuss and work with you and your client to come to a final resolution on the issues you have presented to the DRMS.

Sincerely,



Karl Nyquist, Manager  
Prowers Aggregate Operators, LLC



Roy Cue, Site Superintendent  
Prowers Aggregate Operators, LLC  
(719) 688-4477

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MR. STEWART OLIVE, MARCH & OLIVE, LLC

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