




**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> Hatchery Pit	<b>MINE/PROSPECTING ID#:</b> M-2014-043	<b>MINERAL:</b> Borrow material	<b>COUNTY:</b> Adams
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Patrick Lennberg	<b>INSP. DATE:</b> May 5, 2021	<b>INSP. TIME:</b> 12:30
<b>OPERATOR:</b> Albert Frei & Sons Inc.	<b>OPERATOR REPRESENTATIVE:</b> Ben Frei, Steve O'Brian, Jole Bolduc	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> Partial Bond	<b>BOND AMOUNT:</b> \$1,056,100.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Cloudy	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 11, 2021	

**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>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

## **OBSERVATIONS**

The Hatchery Pit was inspected by Patrick Lennberg with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed at the request of the operator, letter from Ben Frei attached, to inspect and document the nearly completed clay liner and French Drain installation as part of TR-01. The site was previously inspected by the Division on July 19, 2018. Ben Frei, Joel Boldoc with AFS and Steve O'Brian with Environment Inc. representing the operator were present during the inspection. The weather was mostly cloudy with scattered rain showers. The area has received a significant amount of rain during the previous week.

The entrance to the Hatchery Pit is approximately 0.25 mile west of the intersection of 88<sup>th</sup> avenue and I-76 in Commerce City, CO in Adams County. The pit is a 112c permitted site for 53.17 acres. A mine sign was posted at the entrance as required by Rule 3.1.12.

In January 2019 TR-01 was approved. In the revision the operator committed to install a clay liner and French Drain system to prevent groundwater from interacting with inert fill material planned to be used as backfill in the pit area of Phase 2 and the drain will help mitigate impacts to groundwater flow around the pit. The revision also clarified the use of the pre-1981 pond located in the northwestern area of the permit. The Division of Water Resources does not require a leak test of liners or slurry walls if the lined area will not hold water, see attachment 2 letter from DWR. At the time of the inspection the clay liner had been completed and the manholes were in various stages of installation. The pipe for the drain had been field placed and welded. The pipe was 14-inch diameter for the perforated runs and 12-inch in diameter for the non-perforated runs. When the construction is complete the operator stated they would submit as-built drawings of the project to DRMS for inclusion into the permit file.

During the file review prior to the inspection it was noted in the Annual Groundwater Monitoring Data Report that MW-1 exceeded the low level limit in October 2020. The operator measures groundwater on a monthly basis at the site and only is required to inform the Division if groundwater elevations exceed a trigger level for 3 consecutive months. The Division did not have current groundwater data and was going to site problem for exceeding the trigger level. A discussion onsite and the operator's quick follow-up with additional groundwater information proves that the trigger was only exceeded at MW-1 for one month and has subsequently rebounded. It was also determined the depressed level was probably due in part to de-watering in the area near the well at the time of measurement. Attachment 3 provides graphs of groundwater levels to date across the site, including an offsite well, the Broda well. The graphs indicate there are no current impacts to the surrounding hydrology.

The site was active at the time of inspection and there was a large processing plant working. Trucks were entering the site off of 89<sup>th</sup> Avenue and exiting via a scale house to Monaco Street. The Phase 1 area was completely backfilled using material from the mine site, no offsite inert material was used, and is currently being used as a product stockpile location.

In April 2021 the operator removed approximately 20 Russian Olive trees from 13 locations along the north western permit boundary with the Bull Seep. The operator provided documentation of their efforts see attachment 4. During the inspection several stumps were observed where the trees used to be located.

The Division evaluated the financial warranty and determined the current bond amount held by the Division is adequate at this time.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (303)866-3567 ext. 8114 or email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us) if you have any questions regarding this report.

**Inspection Contact Address**

Ben Frei  
Albert Frei & Sons Inc.  
P.O. Box 700  
Henderson, CO 80640

Attachments: 1 – Inspection Request Letter, April 2021  
2 – DWR Email Indicating No Leak Test Required, April 2021  
3 – Updated Hatchery Pit Groundwater Elevations, May 2021  
4 – Russian Olive Tree Mitigation Efforts, April 2021

cc: Jared Ebert, DRMS

ec: Ben Frei, Albert Frei & Sons Inc., [BFrei@albertfreiandsons.com](mailto:BFrei@albertfreiandsons.com)  
Joel Bolduc, Albert Frei & Sons Inc., [JBolduc@albertfreiandsons.com](mailto:JBolduc@albertfreiandsons.com)  
Steve O'Brian, Environment Inc., [Environment-inc@outdrs.net](mailto:Environment-inc@outdrs.net)  
Miles Buescher, Adams County, [mbuescher@adsogov.org](mailto:mbuescher@adsogov.org)

**PHOTOGRAPHS**



**Photo 1:** Mine sign located at the 89<sup>th</sup> Ave entrance



**Photo 2:** Warning sign at truck entrance off of 89<sup>th</sup> Ave





**Photo 3:** Looking northeast across the site from near the mine entrance



**Photo 4:** Monitoring well MW-5





**Photo 5:** Non-perforated drain pipe going to be used for portions of the French Drain



**Photo 6:** Looking southeast along the southern permit area, drain pipe and manholes staged and compacted clay liner completed





**Photo 7:** Perforated drain pipe for French Drain



**Photo 8:** Looking north along east side of pit towards MW-1





**Photo 9:** Looking north from the Phase 1 area, stockpiles are staged on Phase 1 fill areas



**Photo 10:** Russian Olive tree stumps from recent removal along Bull Seep





**Photo 11:** Monitoring well MW-7



**Photo 12:** Looking from MW-1 location south across the Phase 2 area





**Photo 13:** Looking from MW-1 location southwest across the Phase 2 area



**Photo 14:** Looking from MW-1 location west across the Phase 2 area



**Photo 15:** Monitoring well MW-1



**Photo 16:** the approximate location of the Broda well in near the center right of the picture

## **Attachment 1**





P.O. BOX 700  
HENDERSON, CO 80640  
MAIN: (303) 289-1837

April 29, 2021

Via Email to [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us)

Mr. Patrick Lennberg  
Division of Reclamation, Mining and Safety  
1313 Sherman Street, Suite 215  
Denver, CO 80203

RE: Compacted Liner & French Drain Inspection  
Hatchery Pit – M-2014-043

Dear Mr. Lennberg:

The Hatchery Pit mining permit has a provision to install a compacted liner and French drain around the north, east and southern sides of the mined area on the eastern portion of the mine. This liner and French drain are intended to regulate the groundwater elevation as close to the historic elevations as possible on the upgradient side of the mine. The liner was installed so the top elevation had 3 feet of freeboard with the French drain being placed at the same approximate elevation as the average historic groundwater level measured during permitting.

The compacted liner and French drain are nearing completion and Albert Frei and Sons, Inc requests that the Division of Reclamation, Mining, and Safety (DRMS) perform an inspection at the mine and on these features prior to them being covered up with dirt.

We would like to have DRMS representatives at the inspection to explain what has been done and discuss future operations. Please contact me at 303-913-6532 to set up the inspection at your first opportunity.

Sincerely,  
Albert Frei and Sons, Inc.

Ben Frei  
Secretary

cc Environment, Inc.  
Jared Ebert - via e-mail  
file

## **Attachment 2**

STATE OF  
COLORADO

Lennberg - DNR, Patrick &lt;patrick.lennberg@state.co.us&gt;

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**Hatchery Pit, M2014-043, Albert Frei and Sons Inc., Adams County**

2 messages

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**Lennberg - DNR, Patrick** <patrick.lennberg@state.co.us>  
To: Ioana Comaniciu - DNR <ioana.comaniciu@state.co.us>

Tue, Apr 13, 2021 at 10:01 AM

Good Morning,

My name is Patrick Lennberg and I am an Environmental Protection Specialist for the Division of Reclamation, Mining and Safety (DRMS) currently overseeing permits in Adams County. My supervisor, Jared Ebert, recommended that I reach out to you to help me with a couple of questions DRMS has regarding the Hatchery Pit in Adams County.

The Hatchery Pit was to construct two lined pits, slurry walls, to prevent groundwater from coming into contact with backfill material, principally asphalt material. DRMS does not have a copy of the currently approved SWSP but I was able to review one online. In the one I reviewed it stated that the first lined pit, Stage 1, was to be leak tested and approved by the SEO. Do you know if Stage 1 was tested and received approval from the SEO?

My second question is, Stage 2 was changed to compacted liner. Would the SEO need this tested and approved before material is allowed to be backfilled in it?

Please let me know if you have any questions.

Thank you in advance for your time,  
Patrick

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**Patrick Lennberg**  
Environmental Protection Specialist



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

P 303.866.3567 x8114 | F 303.832.8106  
1313 Sherman Street, Room 215, Denver, CO 80203  
[Patrick.Lennberg@state.co.us](mailto:Patrick.Lennberg@state.co.us) | <https://drms.colorado.gov>

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**Comaniciu - DNR, Ioana** <ioana.comaniciu@state.co.us>  
To: "Lennberg - DNR, Patrick" <patrick.lennberg@state.co.us>

Mon, Apr 19, 2021 at 11:25 AM

Good Morning Patrick,

According to our records the slurry wall liner for Stage 1 of the Frei Hatchery Pit was not yet tested and therefore there is no approval from the SEO, which means that water cannot be impounded in the Stage 1 pond until such time as the slurry wall liner is tested for 90 days, to determine that the slurry wall liner meets the standards identified in the August 1999 SEO Guidelines for Lining Criteria (<https://dnrweblink.state.co.us/dwr/ElectronicFile.aspx?docid=3565887&dbid=0>)

Further you had a question on Stage 2 mining area and indicated that Stage 2 was changed to a compacted clay liner. A 90 days leak test is also required for compacted clay liner of Stage 2, before water can be stored in the Stage 2 pond. However, if the proposal is to backfill this stage no leak test is required.

I hope this clarifies your questions. Please contact me at this office if you have any other questions or concerns.  
Sincerely,

**Ioana Comaniciu, P.E.**  
**Water Resources Engineer**



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

P 303-866-3581 x 8246

[1313 Sherman St., Suite 818, Denver, CO 80203](#)

[ioana.comaniciu@state.co.us](mailto:ioana.comaniciu@state.co.us) | [www.colorado.gov/water](http://www.colorado.gov/water)

[Quoted text hidden]



### **Attachment 3**

**STATE OF  
COLORADO****Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>**

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**RE: Groundwater Elevations, Hatchery Pit, M2014-043**

2 messages

**Joel Bolduc** <JBolduc@albertfreiandsons.com>

Fri, May 7, 2021 at 4:21 PM

To: "Patrick Lennberg (patrick.lennberg@state.co.us)" &lt;patrick.lennberg@state.co.us&gt;

Cc: environment-inc &lt;Environment-inc@outdrs.net&gt;, Ben Frei &lt;BFrei@albertfreiandsons.com&gt;

Hi Patrick,

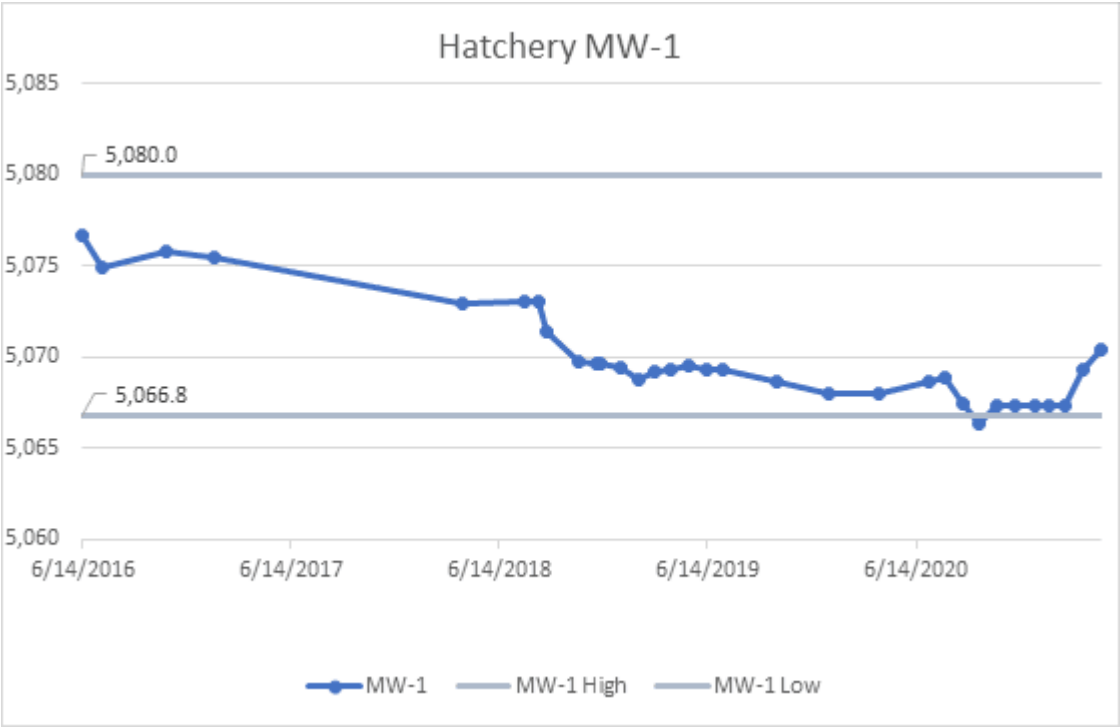
Good news. MW-1 only dropped below the low trigger for one month and the monitoring plan states that an investigation if we exceed a trigger level for 3 consecutive months. The drop was associated with dewatering done specifically to install the compacted liner. Now that the liner is installed and dewatering stopped, water levels have returned to normal.

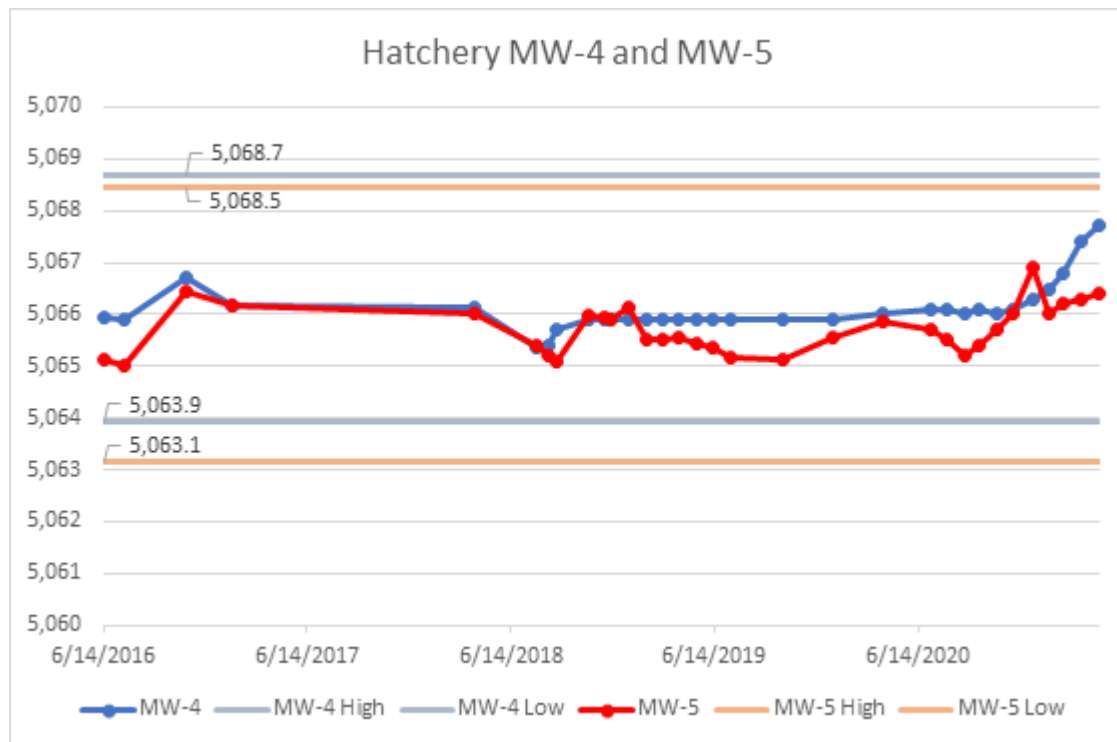
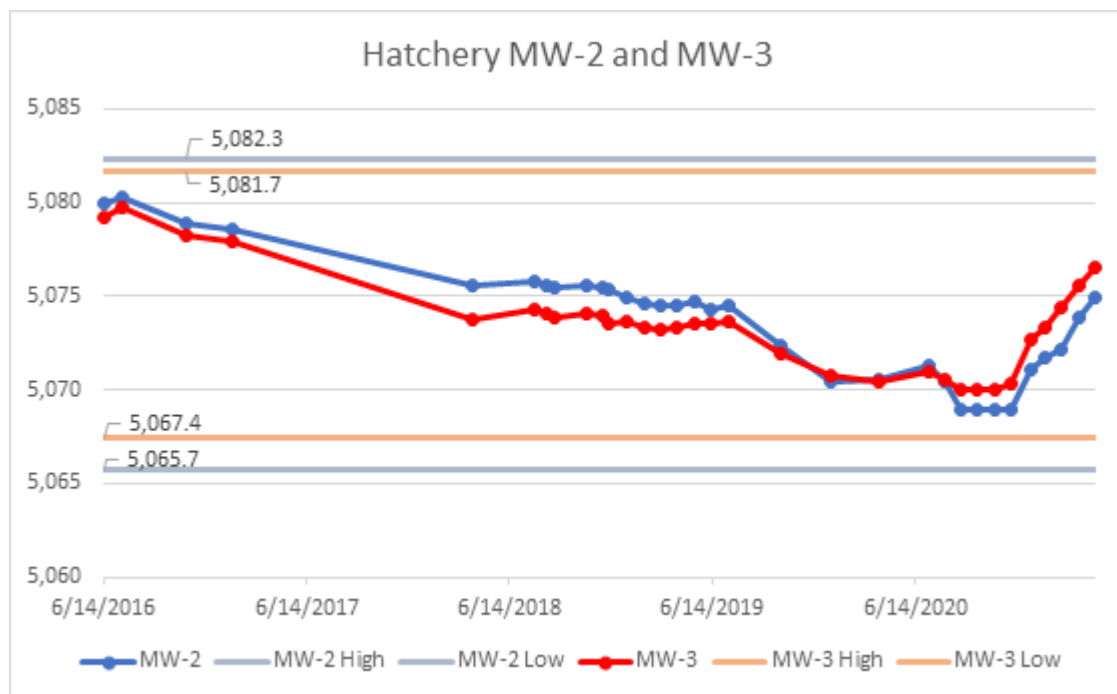
Ben confirmed the pipe diameters are 14" perforated and 12" straight.

Below are 5 charts showing monitoring well data. The map shows where the wells are located. MW-Broda is just off-site to the north. This well is not part of our monitoring program so baseline data was not collected and no trigger levels set. We started measuring MW-Broda in 2019 to get extra data.

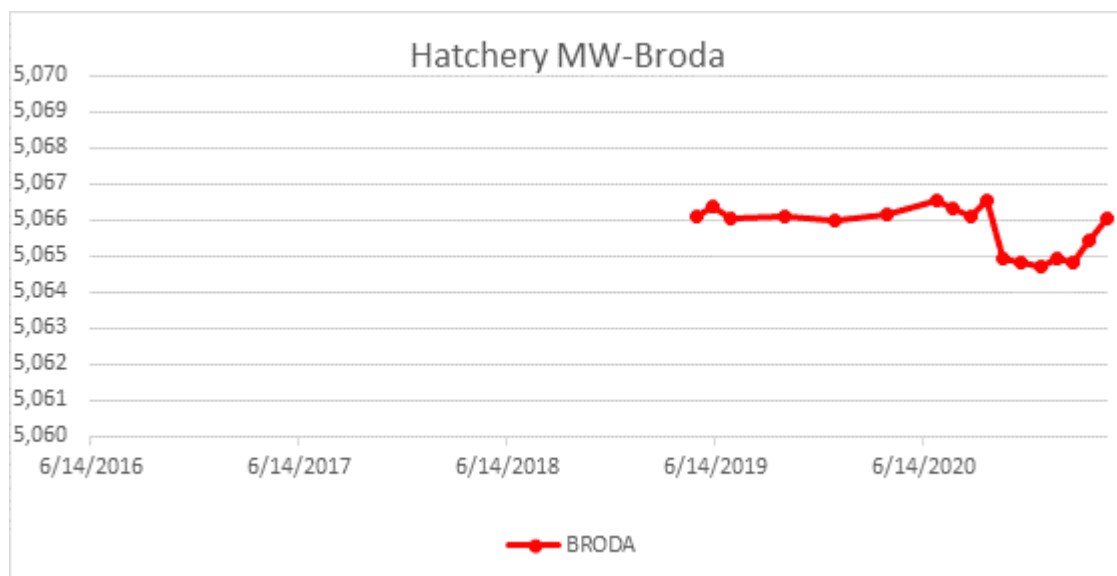
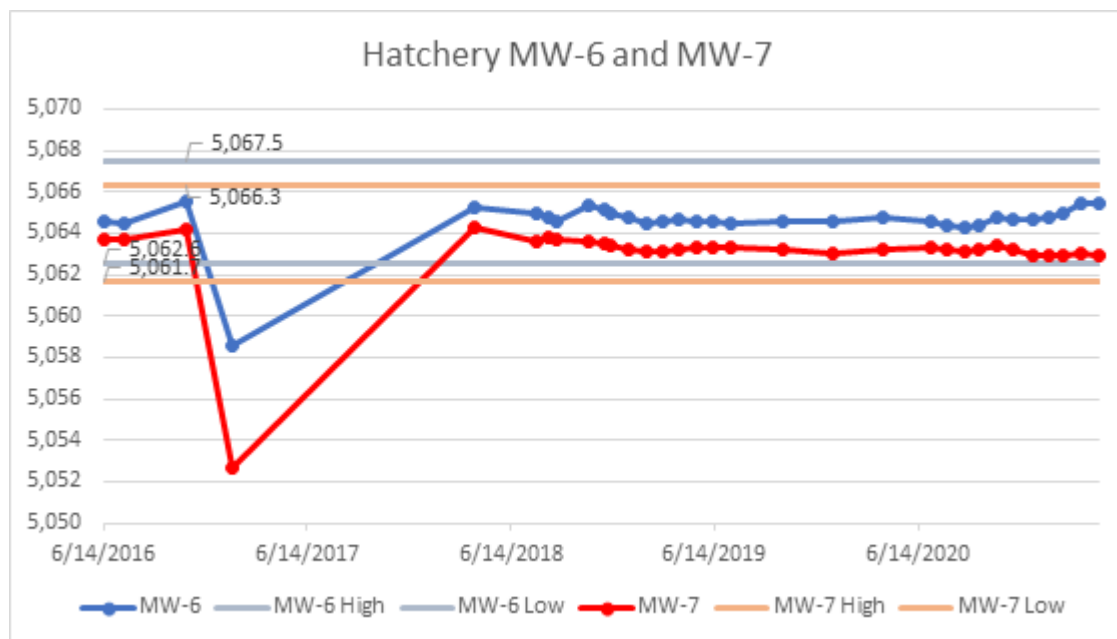
Let me know if you have any questions. Have a great weekend!

Joel









**From:** Lennberg - DNR, Patrick <[patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us)>

**Sent:** Thursday, May 6, 2021 5:31 AM

**To:** Joel Bolduc <[JBolduc@albertfreindsons.com](mailto:JBolduc@albertfreindsons.com)>; Ben Frei <[BFrei@albertfreindsons.com](mailto:BFrei@albertfreindsons.com)>; environment-inc <[Environment-inc@outdrs.net](mailto:Environment-inc@outdrs.net)>

**Subject:** Groundwater Elevations, Hatchery Pit, M2014-043

Good Morning Joel,

Per our conversation yesterday in the field here are the Adequacy responses to TR-01 from January 7, 2019. The individual trigger levels can be found on page 25 and the mitigation plan on the following pages after that.

One additional question I do have is, what is the diameter of the pipe being used in the French Drain? I meant to measure it in the field but forgot to. If you read through the responses AFS committed to using 14 inch pipe over the recommended 12 inch pipe.

The documentation needed for the "problem" citation is up to date groundwater levels, the addition of the hi and low triggers to the table, a brief explanation of why the low trigger was exceeded, and any additional information that shows no off-site impacts (Broda well).

Please let me know if you have any questions.

Thank you,

Patrick

--

**Patrick Lennberg**

**Environmental Protection Specialist**



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

P 303.866.3567 x8114 | F 303.832.8106

1313 Sherman Street, Room 215, Denver, CO 80203

[Patrick.Lennberg@state.co.us](mailto:Patrick.Lennberg@state.co.us) | <https://drms.colorado.gov>

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**Environment-Inc** <Environment-inc@outdrs.net>

Fri, May 7, 2021 at 4:25 PM

To: Joel Bolduc <JBolduc@albertfreiandsons.com>, patrick.lennberg@state.co.us

Cc: Ben Frei <BFrei@albertfreiandsons.com>

Looks Good.

Steve

Steve O'Brian  
Environment, Inc.

5/10/2021

State.co.us Executive Branch Mail - RE: Groundwater Elevations, Hatchery Pit, M2014-043

7985 Vance Dr., #205A

[Arvada, CO 80003](#)

(303) 423-7297

(303) 423-7599 Fax

[Environment-inc@outdrs.net](mailto:Environment-inc@outdrs.net)

This e-mail is covered by the Electronic Communications Privacy Act. If you have received this communication in error, please delete this message from all media and notify me immediately. Thank you for your cooperation.

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## **Attachment 4**



# Russian Olive Control

Albert Frei & Sons

Hatchery Site

9001 Monaco St

Henderson, CO 80640

April 18, 2021





# AFS Hatchery S&G





# AFS Hatchery S&G



# AFS Hatchery S&G





# Cut and Treat



CUT



TREAT



# Location 1



**BEFORE**



**AFTER**



# Location 2



**BEFORE**



**AFTER**



# Location 4



**BEFORE**



**AFTER**



# Location 8



BEFORE



AFTER



# Location 9



**BEFORE**



**AFTER**



# Location 10



**BEFORE**



**AFTER**



# Stumps





# Stumps

