



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

August 3, 2021

Bill Schenderlein
Blue Earth Solutions, LLC
P.O. Box 2427
Fort Collins, CO 80522

Re: Treiber Lakes, Permit No. M-2011-049, Status of Required Corrective Actions

Mr. Schenderlein:

The Division of Reclamation, Mining and Safety (Division) is providing the following status update on the corrective actions required by the inspection report mailed on June 4, 2021:

INSPECTION TOPIC: Sediment Control

PROBLEM #1: Erosion gullies and ruts were observed on-site. Specifically, the three above-ground pipelines temporarily discharging water from the creek into the North Reservoir have created large erosion gullies along the northern shoreline of this reservoir. Erosion rilling was also observed along unvegetated portions of the shorelines. This is a problem at this time for failure to protect the affected land from erosion pursuant to C.R.S. 34-32.5-116(4)(j).

CORRECTIVE ACTIONS: By the corrective action due date, the operator shall provide photo documentation to the Division verifying the erosion along reservoir shorelines has been repaired, and that the site has been reconstructed and stabilized to prevent continued erosion damage.

NEW CORRECTIVE ACTION DUE DATE: December 3, 2021

***STATUS UPDATE:** On August 2, 2021, the operator submitted a request to extend the corrective action due date so the erosion can be addressed when the water levels in the reservoir are lowered later this year in accordance with the operator's water rights. To prevent additional erosion from future pumping discharges into the reservoir, the operator will also propose installing a stabilized inlet rundown on the reservoir shoreline. This proposal will be submitted in the form of a Technical Revision by the corrective action due date. The Division has approved the operator's extension request, giving the new corrective action due date shown above.*

INSPECTION TOPIC: Reclamation Success

PROBLEM #2: Failure to follow approved reclamation plan, or current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116(1). The operator must follow the approved reclamation plan or provide sufficient information to describe or identify how the operator intends to conduct reclamation. Specifically, the operator has installed water management structures for the reservoirs (e.g., outlet, interconnect pipelines) which are not part of the approved reclamation plan.

CORRECTIVE ACTIONS: By the correction action due date, the operator shall submit a Technical Revision with the required \$216 revision fee, to update and clarify the current approved reclamation plan and map to reflect existing and proposed activities. The revised reclamation plan and map must



address any structures proposed to remain for final reclamation. Additionally, the revised reclamation plan map must show the final installed location of the slurry wall.

NEW CORRECTIVE ACTION DUE DATE: December 3, 2021

STATUS UPDATE: *On August 2, 2021, the operator submitted a request to extend the corrective action due date so the Technical Revision required for this problem can include the new structure(s) proposed to address the erosion issues described in Problem #1. The Division has approved the operator's extension request, giving the new corrective action due date shown above.*

INSPECTION TOPIC: Revegetation

PROBLEM #3: There are state-listed noxious weeds present on site (e.g., leafy spurge, downy brome, common mullein). This is a problem for failure to employ weed control methods for all prohibited noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Rule 3.1.10(6).

CORRECTIVE ACTIONS: By the correction action due date, the operator shall implement the approved weed control plan for the site and provide proof to the Division this was done. Such proof should include a short description of the control measures utilized, photographic documentation, and a site map showing areas where weed control was conducted. If a weed control plan is not already in place, the operator must develop a weed control and management plan in accordance with Rule 3.1.10(6). This plan should be developed in consultation with the county extension agency or weed control district office, and should include specific control measures to be applied, a schedule for when control measures will be applied, and a post-treatment monitoring plan. If a new plan is developed for the site, it must be submitted to the Division as a Technical Revision, with the required \$216 revision fee, by the corrective action due date.

CORRECTIVE ACTION DUE DATE: August 3, 2021

STATUS UPDATE: *On August 2, 2021, the operator provided proof the approved weed control plan was implemented at the site for state-listed noxious weed species. The operator indicated the weed control plan will most likely be updated in the Technical Revision to be submitted to address Problems #1 and #2. However, the Division considers this problem to be abated at this time.*

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Cc: Adam Jokerst, City of Greeley
Michael Cunningham, DRMS