



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

January 5, 2022

Andre Leroche
Aggregate Industries - WCR, Inc.
1687 Cole Blvd., Ste. 300
Golden, CO 80401

**Re: Aggregate Industries, Wattenberg Lakes, Permit No. M-2004-051,
Complaint Against Mining Operation (CT-01)**

Mr. Leroche:

The Division of Reclamation, Mining and Safety (Division/DRMS) received a complaint against the above referenced operation on December 20, 2021. A copy of the complaint email (see Item #2) is enclosed for your records. The Division will contact you to schedule an inspection to investigate the complaint.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,

Peter S. Hays
Environmental Protection Specialist

Enclosure – Complaint Email Item #2

Ec: Jared Ebert, Division of Reclamation, Mining & Safety
Sherie Gould at mcsfh157@aol.com





STATE OF
COLORADO

Lennberg - DNR, Patrick <patrick.lennberg@state.co.us>

(With picture) Fwd: Questions/Concerns Tucson South Application

1 message

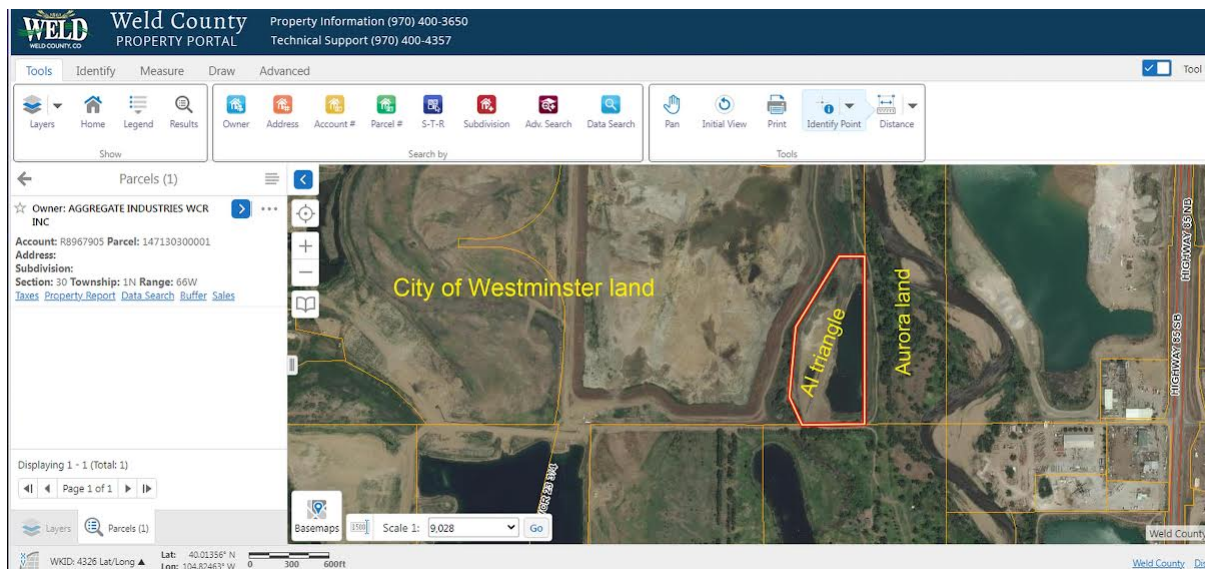
mcsfh157@aol.com <mcsfh157@aol.com>

Mon, Dec 20, 2021 at 3:33 PM

Reply-To: mcsfh157@aol.com

To: "patrick.lennberg@state.co.us" <patrick.lennberg@state.co.us>, "jared.ebert@state.co.us" <jared.ebert@state.co.us>

Sorry - I forgot to include this picture detailing the property where neighbors are stating that AI's mining activities have spread to Aurora's land - see pic below.



Sherie Gould, GRI

Broker Associate

Sterling Real Estate Group, Inc

303.919.1703 Cell

-----Original Message-----

From: mcsfh157@aol.com

To: patrick.lennberg@state.co.us <patrick.lennberg@state.co.us>

Cc: jared.ebert@state.co.us <jared.ebert@state.co.us>

Sent: Mon, Dec 20, 2021 3:18 pm

Subject: Questions/Concerns Tucson South Application

Hello Patrick,

Wondering if you could clarify a couple of questions for me (I did research but couldn't find an answer)

1. Per the rules it states that the applicant shall (in essence) provide notice to the land and structure owners. Reviewing the certified mail receipts I am aware that at least one VERY CRITICAL landowner was never "noticed" and that one would likely have much to say. How does this affect this application/timing/decision making?

2. I had noted several comments in the review portion that asked AI if there was enough space in the 50' conveyor easement to conduct repairs, etc. stating that it was/could be a violation of the permit if they were outside that boundary.

Regarding operating outside of the boundaries, and it being a violation, . . . the DRMS might want to examine some of AI's activities in the Wattenberg permit. In the fall of 2020, the City of Westminster deeded the "triangular parcel" (land - Wattenberg) back over to AI because they have requirements on that property related to wetland mitigation. As these requirements are AI's, the City granted them those acres back so that they could manage directly and have liability directly."

This triangular parcel borders Aurora's land (which is on the east) and according to neighbors, AI's mining activities have clearly go over onto Aurora's land (and per boundary markers, Aurora knows about it). Perhaps AI added Aurora's land to the permit and this is legal?

3. Regarding some miscellaneous Conveyor questions that I haven't found answers to: Does it state anywhere the length that this conveyor can run and be able to restart with a dead load? (i.e. power outage, breakdown, weather issue shut down) Or if it will sit with material on it when not running/overnight? The locations where lifts/drops will be? Or where they can offload material if needed or gather materials that fall off? Or the time it will take (start to finish) for material to make the entire trip (3.3+/- miles?)

4. When setbacks are referenced (i.e. from Tucson and 23 1/2 Rd.) is it a given that it is from a certain point (center of road, edge of road, edge of right of ways) - or does it vary?

Regarding Tucson St., on the County side of the permit my recall was a requirement for 50' setbacks beyond (future expansion right of way?), however, in reviewing I came across a 30' setback and a neighbor stated that I might have seen the setback requirement from the slurry wall vs. the road? I have searched again and am not finding this reference - do you have any recall on this?

Thank you for any help on these matters!

Sherie

Sherie Gould, GRI

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