




**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety 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> Wattenberg Lakes	<b>MINE/PROSPECTING ID#:</b> M-2004-051	<b>MINERAL:</b> Aggregate	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Peter Hays	<b>INSP. DATE:</b> April 22, 2022	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> Aggregate Industries - WCR, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Neil Whitmer	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$520,000.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 12, 2022

**The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.**

**INSPECTION TOPIC:** Gen. Compliance With Mine Plan

**PROBLEM:** The approved Mining Plan states a minimum 25 foot setback will be maintained from the permit boundary with at least a 40 foot offset from the permit boundary when slurry walls are installed or from county roads. The Operator has allowed the eastern shoreline of the Phase 2 / Pond 1 to erode into the required 40 foot setback. This a problem pursuant to CRS 34-32.5-116(4)(j) for failure to stabilize the affected area and failure to effectively control erosion.

**CORRECTIVE ACTIONS:** The Division will require the Operator to backfill and grade the Phase 2 / Pond 1 Mining Area to re-establish the required 40 foot offset from the eastern permit boundary / County Road 23 ¾ and provide evidence this has been corrected by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 8/10/22

## **OBSERVATIONS**

The Wattenberg Lakes site was inspected by Peter Hays with the Division of Reclamation, Mining and Safety (Division/DRMS) in response to a citizen complaint (CT2) received on March 17, 2022. The complaint was forwarded to the Operator on March 18, 2022. Mr. Neil Whitner and Mr. Wyatt Webster with Aggregate Industries, Inc. (Operator) were present during the inspection.

The Wattenberg Lakes 112c permit was issued with conditions by the Division on February 10, 2005. The site is permitted for 420.8 acres with 245 acres of mining disturbance. The required mine sign and boundary markers were observed pursuant to Rule 3.1.12.

The site was inactive at the time of the inspection. A summary of the status of the phases of the site is below.

Phase 1 / Pond 2 Mining Area – The mining excavation in the area is mostly complete. The Operator is finalizing plans to install the slurry wall. The mining area was full of water at the time of the inspection.

Phase 1 / Mining Area 2 – The mining excavation is complete and the area was backfilled by the Operator. A road was built through the phase to access the Phase 1 / Pond 2 mining area. The final grading to create the approved wetland mitigation area will occur during final reclamation of the site.

Phase 1 / Mining Area 3 – The mining excavation is complete and the area was backfilled by the Operator. The final grading to create the approved wetland mitigation area will occur during final reclamation of the site.

Phase 2 / Pond 1 Mining Area – The mining excavation in the area is mostly complete. The Operator is finalizing plans to install the slurry wall. The mining area was full of water at the time of the inspection.

Phase 3 / Pond 3 Mining Area – The mining excavation is complete and the area is in final reclamation. The perimeter slopes were graded to the final 3H:1V slope. The slurry wall around Phase 3 / Pond 3 was installed in 2013. T-posts indicating the centerline of the slurry wall were observed during the inspection. The Division does not have proof of SEO approval of the slurry wall. The Operator will be required to provide the approval letter prior to any future release request for the mining area.

Phase 2 / Mining Area 1 – The mining excavation is complete and the area is being backfilled by the Operator. The final grading to create the approved wetland mitigation area will occur during final reclamation of the site.

The approved post-mining land use for the site is Developed Water Resource. As stated above, the slurry wall was installed around the Phase 3 / Pond 3 Mining Area. The approved Reclamation Plan states all reservoir slopes will be reclaimed to at least a 3H:1V final grade. The slopes around the perimeter of Phase 3 / Pond 3 Mining Area appeared to be graded to 3H:1V. The Operator stated survey control was used while creating the slopes. The Division will require the Operator to verify the required 3H:1V slopes for the reservoirs by submitting survey data for the slopes prior to Division consideration of any future final or partial release requests at the site.

The Division currently holds a financial warranty in the amount of \$520,000.00. The financial warranty includes the cost to install slurry walls at the site to comply with the Division's long-term exposed groundwater requirement. The site is covered by a current SWSP for all short-term groundwater impacts. The inlet and

outlet structures required as part of the approved Reclamation Plan will need to be installed.

The complaint from Ms. Sherie Gould contained concerns regarding the offsets and infrastructure between the Wattenberg Lakes site and the Baurer Pit.

#### Offsets

The approved Mining Plan states the Operator will maintain at least a 40 foot from the permit boundary or county roads where slurry walls have been installed. A slurry wall is installed in Pond 3, labeled as "Main Wattenberg Reservoir" on the complainant's map. The offset was measured at 60 feet from the Wattenberg Lakes southern permit boundary to the edge of Pond 3 by the Division. The Operator is in compliance with the required offset in the area.

#### Infrastructure and Roads

The infrastructure between the Wattenberg Lakes site and the Baurer Pit are contained within property owned by Aggregate Industries. Based on the Weld County Assessors map there is not an offset for the county road or other utilities. The county road and utilities are contained within easements on the AI property. During the inspection, the Operator confirmed the permit boundaries for the two sites adjoin each other. Additionally, the Division confirmed the conveyor along the southern boundary of Pond 3 was contained within the Wattenberg Lakes site.

#### Baurer Pit Disturbance

Based on Google Earth images, County Road 23 ¾ has historically crossed into the Baurer property in the northwest corner of the property. A small portion of the Baurer property between the northwest side of the county road and the northwest corner of the Baurer property, approximately 0.10 acres, was disturbed during the installation of dewatering pipes to deliver water to the Stillwater Ski Lake from the Wattenberg Lakes site between June 2017 and May 2018 based on the Google Earth images.

The Baurer Pit application was issued by the Division on April 18, 2022. The Baurer Pit is permitted for 79.4 acres with 62.2 acres of mining activity, however the approved affected land boundary is the same as the permitted boundary. Since the disturbance for the Stillwater Lake piping is contained within the affected land boundary for the Baurer Pit a problem will not be cited for the disturbance by the Division.

#### East Shoreline of Phase 2 / Pond 1 Mining Area

The approved Mining Plan states a minimum 25 foot setback will be maintained from the permit boundary with at least a 40 foot offset from the permit boundary when slurry walls are installed or from county roads. The Division required the Operator to conduct a survey to verify or replace the boundary markers for the entire site after receiving the complaint to allow the Division to verify all required offsets during the inspection.

The surveyor install permit boundary markers at 200 foot intervals along the east shore line of the Phase 2 / Pond 1 Mining Area. The Operator stated the east shoreline was mined to the required 40 foot offset, however the area was allowed to fill with groundwater and has been dormant for several years, which has allowed the east shoreline to erode to the east into the required offset area.

The Division and the Operator measured the current offsets from the permit boundary to the edge of slope at four (4) of the survey locations. The offsets were measured at 36 feet, 25 feet, 30 feet and 55 feet, therefore

three (3) of the four (4) offsets are out of compliance with the approved Mining Plan. No evidence of instability which could potentially effect CR 32 ¾ was observed during the inspection.

As cited as a problem above, the Division will require the Operator to backfill and grade the Phase 2 / Pond 1 Mining Area to re-establish the required 40 foot offset from the eastern permit boundary / County Road 23 ¾ and provide evidence this has been corrected by the corrective action date. The Operator stated the discharge permit for the mining area is no longer valid. The Operator recently submitted a new discharge permit to dewater the mining area to allow the eastern shoreline to be backfilled to at least the minimum 40 feet offset. The Operator was informed by CDPHE the permit would take up to 60 days to review and issue. The material to backfill the mining area would be obtained on-site from the Phase 2 / Pond 2 Mining Area. The Phase 2 / Pond 1 Mining Area is approved to be converted into a reservoir with the installation of a slurry wall in the approved Reclamation Plan. The slurry wall is currently being designed by the Operator's consultant.

Additional measurements were conducted along the south shoreline of Phase 2 / Pond 1 Mining Area (46 feet) and along the northeast section of the Phase 1 / Pond 2 Mining Area (54 feet). The offset in these locations were in compliance with the approved Mining Plan. The perimeter of site was observed to verify the boundary markers were installed as required by Rule 3.1.12(2). No other areas of potential offset compliance issues were observed during the inspection.

Photographs taken during the inspection are attached. If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303.866.3567 x 8124, or by email at [peter.hays@state.co.us](mailto:peter.hays@state.co.us).

**Inspection Contact Address**

Neil Whitner  
Aggregate Industries - WCR, Inc.  
1687 Cole Blvd.  
Golden, CO 80401

Enclosure: Mining Plan Map and Ms. Gould complaint email

Ec: Jared Ebert, DRMS



## PHOTOGRAPHS



View of the permit boundary between the Wattenberg Lakes and Baurer Pit from the northeast corner of the Baurer Pit looking east. The conveyor is located on the Wattenberg permit area in the location of one of the two roads reference in the complaint.



View of the disturbed area in the northwest corner of the Baurer Pit





View of the east shoreline in the Phase 2 / Pond 1 Mining Area looking north



View of the 36 foot offset measurement along the east shoreline of Phase 2 / Pond 1 Mining Area





View of the 25 foot offset measurement along the east shoreline of Phase 2 / Pond 1 Mining Area



View of the 30 foot offset measurement along the east shoreline of Phase 2 / Pond 1 Mining Area





View of the 55 foot offset measurement along the east shoreline of Phase 2 / Pond 1 Mining Area



View of the site from the southeast corner of Phase 2 / Pond 1 Mining Area looking west





View of the site from the southeast corner of Phase 2 / Pond 1 Mining Area looking north



View of the site from the northwest corner of Phase 1 / Pond 2 Mining Area looking south. The area pictured has not been disturbed by the Operator and is the native ground.



View of the site from the northwest corner of Phase 1 / Pond 2 Mining Area looking east

### GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>Y</u>
<b>(MP) GENL MINE PLAN COMPLIANCE- <u>PB</u></b>	(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>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>N</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



**IncD**



STATE OF  
COLORADO

Hays - DNR, Peter <peter.hays@state.co.us>

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## Question and concern re: Wattenberg Mine

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

Thu, Mar 17, 2022 at 6:02 PM

Reply-To: mcsfh157@aol.com

To: "peter.hays@state.co.us" <peter.hays@state.co.us>

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

Hello Peter,

I was recently taking a deeper look at a few things within and about the Wattenberg mining permit and wondered if you could help clarify a few things for me.

The original mining plans show a 40' setback in some portions (see attached) and it indicates (in that area) two roads (one being outside the boundary), fence/property line, several ditches and a gas line. Older aerial maps also distinctly show the two roads but the newer aeriels appear to show just one road with mining activities (including the conveyor) appearing to have expanded or migrated on or into the proposed Baurer Pit/Stillwater Ranch area. I thought I had understood that the Baurer Pit wasn't completely approved. ??? Has this changed? Or did the mining boundary or setback change? (Please see attached for a visual of what I am asking about.)

Thank you for your time in this!

Sherie

***Sherie Gould, GRI***

*Broker Associate*

*Sterling Real Estate Group, Inc*

*303.919.1703 Cell*

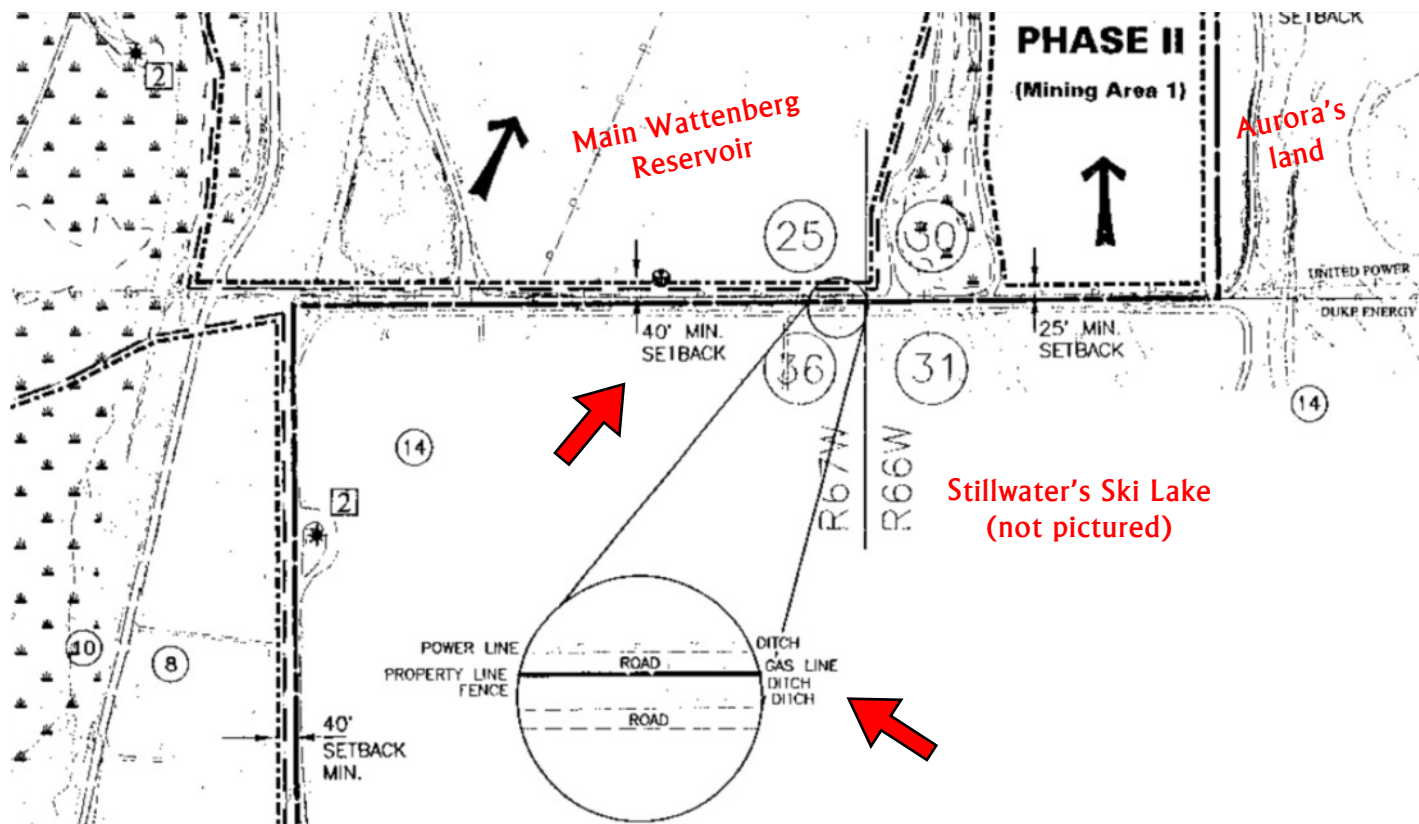


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**Maps of roads and conveyor Wattenberg.pdf**

15197K







Older aerial looking southwest - two roads



More current aerial  
2<sup>nd</sup> road is gone





