

**STATE OF
COLORADO****Gagnon - DNR, Nikie** <nikie.gagnon@state.co.us>

M-1999-034 Cooley Processing Area Complaint

1 message

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Mon, Jul 24, 2023 at 3:55 PM

To: "Orlando Ruiz (fultonditch2@gmail.com)" <fultonditch2@gmail.com>

Cc: Wyatt Webster <wyatt.webster@holcim.com>, Joel Bolduc <jbolduc@albertfreiandsons.com>

Hello Orlando.

Thank you for reaching out to the Division regarding your concerns about weeds at the Cooley Reservoir former processing area, operated by Holcim - WCR, permit no. M-1999-034. The Division conducted an investigation and the inspection report is attached. In response to your complaint, a contractor conducted weed control spraying on July 6 and July 10. The invoices from NCC confirming the work was done are attached to the report.

The Division will close out this complaint, however, if you have any more concerns, please don't hesitate to reach out to us in the future.

--

Nikie Gagnon**Environmental Protection Specialist****COLORADO****Division of Reclamation,
Mining and Safety**

Department of Natural Resources

P 303.866.3567 x8126 | C 720.527.1640 | F 303.832.8106

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216


nikie.gagnon@state.co.us | <https://www.drms.colorado.gov>**INSP-REPORT_M1999034_Complaint_Cooley Processing Area.pdf**

1409K



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.

MINE NAME: Cooley Reservoir & Fulton Wildlife Area	MINE/PROSPECTING ID#: M-1999-034	MINERAL: Sand and gravel	COUNTY: Adams
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: July 14, 2023	INSP. TIME: 13:00
OPERATOR: Holcim - WCR, Inc.	OPERATOR REPRESENTATIVE: Wyatt Webster	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: \$1,510,800.00	
DATE OF COMPLAINT: June 26, 2023	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
INSPECTOR(S): Nikie Gagnon	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: July 24, 2023	

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>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>N</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>N</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

OBSERVATIONS

On June 26, 2023, the Division received a citizen complaint from Mr. Orlando Ruiz which stated the property adjacent to his residence, owned by Albert Frei & Sons, is overgrown with weeds and the primary concern is amount of thistle covering the area and spreading to the banks of the Fulton Ditch. Albert Frei & Sons directed Mr. Ruiz to the Division since Holcim-WRC. Inc. has an active mining permit on the property. The Division forwarded the complaint to Holcim-WCR, Inc. (Operator) and scheduled an inspection of the site. This inspection was conducted by Nikie Gagnon of the Division of Reclamation, Mining and Safety (Division). Wyatt Webster, representing the Operator, was present for the inspection. Mr. Ruiz was also present during the inspection.

The Cooley Site is a 112c Operation and is permitted for 399.2 acres of land. The permit boundary is divided by the South Platte River. On the west side of the South Platte, mining has created three water storage reservoirs. These three reservoirs are designated as Phase 2, 3, and 4 from south to north. On the east side of the South Platte River, the permit area includes two wetland areas, the Jeronimus Lake area, and a 27-acre former processing area on land currently owned by Albert Frei and Sons (area of complaint).

Mining is complete and the entire permit area is undergoing reclamation. According to the approved reclamation plan, the 27-acre processing area will be graded to a 3(H):1(V) slope or shallower and is required to be covered with six to twelve inches of topsoil and revegetated with the approved seed mixture on all slopes. Mr. Webster stated the final grading and seeding will occur this fall, after Excel/Lumen relocate power poles from the northwest corner of the permit area to the original location along 100th Avenue. The electrical work is scheduled to occur in September 2023 and final reclamation will follow.

On June 26, 2023, Holcim-WCR responded immediately to the complaint and sent a contractor, NCC, out to address the weeds. During the inspection, the Operator provided invoices from NCC confirming weed control spraying was conducted on 7/6/2023 and 7/10/2023.

During this inspection, thick stands of thistle, mullein, and other invasive weeds were observed throughout the permit area. A particularly dense stand of thistle was growing along the western side of the permit area and on the banks of the adjacent Fulton Ditch which flows through the area. The weeds showed signs of wilting and browning leaves indicating recent spraying across the entire site. Mr. Ruiz confirmed the weed control work the previous week and was pleased with the extent of the spraying across the site and along the ditch, and the quick response from the Operator.

Holcim-WCR will continue to monitor the site and conduct weed control as necessary until the site is released. No additional concerns were observed during this inspection.

Photographs taken during the inspection are below. Please contact Nikie Gagnon (303)866-3537 ext. 8126 or email at Nikie.Gagnon@state.co.us if you have any questions regarding this report.

PHOTOGRAPHS



Photo 1. Looking southeast across the permit area. Weeds are wilting and brown, appear treated across the site.



Photo 2. Looking southwest across the permit area.



Photo 3. Dense stand of thistle in the western corner of the permit area, browning leaves, wilting.



Photo 4. Treated dense stand of thistle on a berm along the western edge of the permit area.

Inspection Contact Address

Wyatt Webster
Holcim - WCR, Inc.
1687 Cole Blvd., Suite 300
Golden, CO 80401

Enclosure: NCC Invoices for Weed Control

CC: Amy Eschberger, DRMS
Orlando Ruiz
Joel Boldoc, Albert Frei & Sons



NORTHERN COLORADO CONSTRUCTORS, INC.

9075 WCR 10

FORT LUPTON, CO 80621

303-857-1754

FAX: 303-857-2933

Requested by: Wyatt Webster

AIUS PO

Vendor 2013206

Aggregate Industries-WCR

c/o N. American Business Services

PO Box 272, Concord, ON

COMPLETION DATE: 7/10/2023

JOB NUMBER: 23-1010-18

PROJECT NAME: Frei Property (fulton)

JOB LOCATION: 104th/Brighton Road

AFE/WO#

SITE/CROP: grass

CHANGE ORDER DIRECTIVE DATE:

EQUIPMENT	Units	Quantity	Unit Price	Total
FOREMAN WITH PICKUP	HR			\$ -
Mobilization trip charge up to 40 miles of our yard	EA			\$ -
Spraying weeds using Vehicle Mounted Sprayer -HERBICIDES	HR			\$ -
Spraying weeds using Backpack Sprayer - HERBICIDES NOT	HR			\$ -
UTILITY TRAILER (bumper pull)	DAY			\$ -
			Total	\$ -

LABOR	Units	Quantity	Unit Price	Total
OPERATOR	HR			\$ -
LABORER	HR			
	#N/A		#N/A	\$ -
			Total	\$ -

OTHER	Units	Quantity	Unit Price	Total
Brash:EPA Reg. No. 1381-202	GAL	5.00		\$ -
Colt AS:EPA Reg. No. 34704-1019	GAL	3.43		\$ -
Activate 90	GAL	0.75		\$ -
Interlock	GAL	0.62		\$ -
Glystar Plus EPA Reg. No. 42750-61	GAL	\$ 2.50		\$ -
Subtotal:				\$ -
Mark-Up:	10%			\$ -
Total				\$ -

Total: \$ -

Description of Work: Spray/Spot spray/scout site

Sprayed Weeds:

AREA TREATED: 20 AC sprayed SF sprayed

DILUTION: 15 Gal/Ac

REI: 24 hrs

PHI:

Time/Date of Completion: 2:30 PM 7-10-23

WEATHER NOTES: 80deg wind SE 5-10 partly cloudy

Target Pests: thistles,Mullien

Ordered by: Wyatt Webster

Applied by: Aaron Johnson

ALL COMMERCIAL APPLICATORS LICENSED BY THE STATE OF COLORADO DEPARTMENT OF AGRICULTURE



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9075 WCR 10

FORT LUPTON, CO 80621

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Requested by: Wyatt Webster

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c/o N. American Business Services

PO Box 272, Concord, ON

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AFE/WO#

SITE/CROP: grass

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EQUIPMENT	Units	Quantity	Unit Price	Total
FOREMAN WITH PICKUP	HR			\$ -
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UTILITY TRAILER (bumper pull)	DAY			\$ -
			Total	\$ -

LABOR	Units	Quantity	Unit Price	Total
OPERATOR	HR			\$ -
LABORER	HR			
	#N/A		#N/A	\$ -
			Total	\$ -

OTHER	Units	Quantity	Unit Price	Total
Brash:EPA Reg. No. 1381-202	GAL	4.50		\$ -
Colt AS:EPA Reg. No. 34704-1019	GAL	3.00		\$ -
Activate 90	GAL	0.75		\$ -
Interlock	GAL	0.56		\$ -
Glystar Plus EPA Reg. No. 42750-61	GAL	\$ 2.50		\$ -
Subtotal:				\$ -
Mark-Up:	10%			\$ -
Total				\$ -

Total: \$ -

Description of Work: Spray/Spot spray/scout site

Sprayed Weeds:

AREA TREATED: 18 AC sprayed SF sprayed

DILUTION: 15 Gal/Ac

REI: 24 hrs

PHI:

Time/Date of Completion: 2:30 PM 7-6-23

WEATHER NOTES: 80deg wind SE 5-10 partly cloudy

Target Pests: thistles,Mullien

Ordered by: Wyatt Webster

Applied by: Aaron Johnson

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