



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

July 25, 2023

Steve O'Brian
Environment Inc.
7985 Vance Dr #205A
Arvada CO 80003

**Re: Third Adequacy Review of a 112c Construction Materials Reclamation Permit Application Package,
L.G. Everist – West Farm Reservoirs, File M2022-048**

Mr. O'Brian:

The Division of Reclamation, Mining, and Safety has completed its third adequacy review of your 112 construction materials reclamation permit application. The application was called complete for review on November 30, 2022. All comment and review periods began on November 30, 2022. **The decision date for this application has been extended at the request of the applicant to July 31, 2023. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application. In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than one week prior to the decision date.**

Please note that any changes or additions to the application on file in our office must also be reflected in the public review copy, which has been placed with the Weld County Clerk and Recorder.

The review consisted of comparing the original application content and the provided adequacy response materials dated May 23, 2023 with specific requirements of Rule 6.1, 6.2, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials.

DRMS requests only two further clarifications/modifications to the application as stated below. The rest of the responses provided in the applicants Adequacy Response 2 package have been accepted.

Response to Item 23a: Please clarify that the required TR submittal for the Phase 1 slurry wall design and french drain design, as well as the required bond increase required for those activities, must be submitted by the operator and approved by DRMS - prior to commencing slurry wall installation or other mining activity associated with Phase 1 of the proposed mining plan.

Response to item 22b: DRMS notes that the existing monitoring wells MW1 and MW2 which were previously included in the baseline water sampling plan have been removed. DRMS will require that water quality data be collected from these wells as previously specified, at least for the 5 consecutive quarters of baseline sampling. Please replace these 2 wells in the monitoring locations for baseline water quality data collection and in the provided groundwater monitoring plan and revise Exhibit G for consistency as needed.



Please also provide a commitment to submit a subsequent TR for providing the 5 consecutive quarters of baseline water sampling data, comparisons of baseline data to Regulation 41 standards, updated water level data, and proposal for long term water quality monitoring by the end of calendar 2024. If you believe additional time is required, please provide the rationale, and propose a different deadline date for submittal of this TR.

Available baseline water level and water quality monitoring data will be required to be submitted with the annual report until the baseline water characterization TR is approved and long term monitoring and reporting requirements are finalized – please acknowledge or include in the response to this item.

DRMS will accept the applicant's request to leave MW9 out of the proposed water quality sampling locations.

DRMS is currently evaluating the provided reclamation bond calculation for the initial processing area and settling ponds.

This concludes the Division's third adequacy review of this application. This letter shall not be construed to mean that there are no other technical deficiencies in your application. Other issues may arise as additional information is supplied. Please remember that the decision date for this amendment application is July 31, 2023. As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied. If you have any questions, please contact me at (303) 229-9414.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Scott", with a stylized flourish at the end.

Eric Scott – Environmental Protection Specialist