

STATE OF  
COLORADO

Zuber - DNR, Rob &lt;rob.zuber@state.co.us&gt;

## Inspection report for Greeley West Pit

1 message

**Zuber - DNR, Rob** <rob.zuber@state.co.us>

Thu, Dec 21, 2023 at 1:26 PM

To: Mike Hart &lt;mjhart01@gmail.com&gt;, Whitey Glasser &lt;dkdwglasser819@comcast.net&gt;, William McDowell &lt;whmcd999@gmail.com&gt;

Hello, All.

Mike and Whitey, thanks again for your time on Tuesday. Attached is my inspection report.

I talked to DRMS management about the best approach for the Greeley West Pit, and we decided that citing problems (rather than using stipulations) works better for us to track the need for updates to the mining and reclamation plans.

I set the due date for the corrective actions as 2/21/2024, two months from now. The reason for that relatively short time frame is to be certain that the need for action regarding this site will not be forgotten. These dates can be extended, if necessary, but if we do not have resolution in the form of a TR by next spring, or summer at the latest, then we will need to discuss having you request a final release of the permit. We can cross that bridge in a few months.

Let me know if you need more information on our hydrology requirements mentioned in the inspection report. We discussed the floodplain approach during the inspection on Tuesday, but I did not mention the Division's groundwater requirements. Despite that omission on my part, the Division feels strongly about protecting groundwater resources in Colorado.

FYI, I will be on holiday break tomorrow and part of next week. I am back in the office on 12/28/2023.

I hope you all have a good holiday.

Rob

Rob Zuber, P.E.  
Environmental Protection Specialist  
Active Mines Regulatory Program



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

***I am working remotely and can be reached by cell at 720.601.2276.***

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**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.

<b>MINE NAME:</b> Greeley West Pit	<b>MINE/PROSPECTING ID#:</b> M-1977-081	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> December 19, 2023	<b>INSP. TIME:</b> 09:50
<b>OPERATOR:</b> Cottonwood Land and Farms, LLC	<b>OPERATOR REPRESENTATIVE:</b> Mike Hart and Whitey Glasser	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$134,415.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>INSPECTOR(S):</b> Robert Zuber, P.E.	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> December 21, 2023

**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/POSSIBLE VIOLATION:** Problem: The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The operator must provide sufficient information to describe or identify how the operator intends to conduct the operation. In particular, the operator must follow Division requirements related to protection of the hydrologic balance. This includes following groundwater guidelines and protecting the floodplain.

**CORRECTIVE ACTIONS:** The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed activities by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 2/21/24

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

**PROBLEM/POSSIBLE VIOLATION:** Problem: 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 approved reclamation plan or provide sufficient information to describe or identify how the operator intends to conduct reclamation. In particular, the operator must follow Division requirements related to protection of the hydrologic balance. This includes following groundwater guidelines and protecting the floodplain.

**CORRECTIVE ACTIONS:** The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved reclamation plan to reflect existing and proposed activities by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 2/21/24

**INSPECTION TOPIC:** Signs & Markers

**PROBLEM/POSSIBLE VIOLATION:** Problem: The affected area boundary markers are missing at the southeast corner of the permit area. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.

**CORRECTIVE ACTIONS:** The operator shall conduct a survey and replace the boundary markers in the correct location(s). The operator shall provide proof to the Division that this has been done by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 2/21/24

## **OBSERVATIONS**

The Greeley West Pit was inspected by Rob Zuber with the Division of Reclamation, Mining and Safety (Division/DRMS); this was a routine monitoring inspection on 19 December 2023. The weather was clear and seasonably warm. The ground was dry. Mike Hart (Hart Environmental) and Whitey Glasser represented Cottonwood Land and Farms, LLC (Cottonwood) during the inspection.

The site was previously inspected by the Division on 28 June 2019 (also a routine monitoring inspection). In the previous inspection, a problem was cited regarding the need for an entrance sign. The mine identification sign was posted at the entrance of the mine site on 19 December 2023, and it contains the necessary information.

The permit boundary for the site has decreased in size over the past several years; three acreage reduction actions have been approved between 2002 and 2019. The remaining parcel was observed during the inspection. It is north of the Cache la Poudre River and is 38.49 acres in size. The parcel is defined by 35th Ave to the west and fence lines and t-posts to the north and east. On the south side, the boundary is not well marked. Maps indicate that in some places the boundary is north of the river, but in other locations the boundary is south of the river.

Per Mr. Hart, Cottonwood intends to sell the parcel to another company. A Succession of Operator process will be required to transfer the Greeley West permit from Cottonwood to the future mining company.

Per the Cottonwood representatives, reclamation has been performed at the site, but it was not related to mining activity; it was done by Noble Energy. Per the Annual Report Map, this reclamation was done in 2019. Currently there is no evidence of a well head or tank battery. However, there are signs on fences indicating gas pipelines. These signs indicate that the pipeline is owned by Duke Energy and another company. The operator needs to determine if the pipeline has been removed (and the signs can be removed) or if the pipeline is still in place.

The site is mostly well vegetated with grasses and other species. Although a lot of kochia was seen, no noxious weeds were observed. Per the representatives and observations by the inspector, the site has been mowed in the fall of 2023.

Along the northern boundary, there are no permanent man-made structures within 200 feet. There is a lot of scrap metal and other junk from the adjacent property. The boundary is well marked with t-posts. An access corridor to O Street has been mowed at the northeast corner of the permit area.

At the southeast corner of the permit area, the river was observed, and no problems were noted. The "thumb" at this part of the permit needs to be marked on the south side of the river (with t-posts or other markers). This is cited as a problem in this report.

Cottonwood needs to apply for a technical revision (TR) to update the mining and reclamation plans and provide details for the reclamation cost estimate (bond estimate) for this permit. Exhibits C, D, E, F, and L need to be updated as part of this TR. Requirements for these exhibits can be found in Rule 6.4 of the Division's construction materials rules. These plan updates are cited as two problems in this report, and the

problem with markers is a separate problem, but only one TR is required. (Cottonwood can submit more than one TR if that is more practical.)

The updates need to consider additional requirements related to hydrology at DRMS-permitted gravel pits:

- The Division's guideline *Groundwater Monitoring: Sampling and Analysis Plan Guidance for Construction Materials and Hard Rock Sites*
- Floodplain requirements for a 400-foot setback from the river, designed inlet/outlet structures, and/or hydraulics modeling.

The guideline for groundwater and details on floodplain requirements are available from the Division.

The Division currently holds a reclamation bond in the amount of \$134,415.00, which appears adequate based on the status of the site. However, after the reclamation plan is better defined, the Division will recalculate the required reclamation bond.

Structure agreements are needed for the roads owned by the City of Greeley (35th Avenue and O Street) that are within 200 feet of the locations where haul or access roads are planned. This is not cited as a problem in this report but needs to be addressed. Cottonwood also needs to determine if an agreement is needed for a gas pipeline on the site (see discussion on signs for pipelines).

Photographs taken during the inspection are attached.

## **PHOTOGRAPHS**



**Middle of site, near reclaimed gas facility, looking east**



**Northern portion of site, looking northeast**





**Looking north at access to O Street, at northeast corner of site**



**West side, looking south**



Gas pipeline sign near entrance on west side



Entrance sign on 35<sup>th</sup> Avenue (west side)



### **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>NA</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>NA</u>	(TS) TOPSOIL----- <u>NA</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>PB</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>NA</u>
(SM) SIGNS AND MARKERS----- <u>PB</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(RS) RECL PLAN/COMP-- <u>NA</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>NA</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

#### **Inspection Contact Address**

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