

May 3, 2024

Kyle Regan  
Civil Resources, LLC  
8308 Colorado Blvd. Suite 200  
Firestone, CO 80504

**RE: Preliminary Adequacy Review; Technical Revision No. 1 (TR-1) – Update Groundwater Monitoring Plan and Propose Changes to Bond Amount;  
Section 20 Gravel Mine, Permit No. M-2022-001**

Dear Mr. Regan,

On April 29, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) received your request for Technical Revision No. 1 (TR-1) to update the groundwater monitoring plan and propose changes to bond amount for the Section 20 Gravel Mine, Permit No. M-2022-001. The following clarification(s) or items need to be addressed to the Division's satisfaction.

1. The Division would like to clarify the following. While the permit application was approved on March 9, 2023 the applicant did not provide the required financial warranty until 2024 resulting in the permit not being issued until April 10, 2024.
2. On the cover page it is stated that the Weld County Use by Special Review permit will not be completed this year. However, in the last paragraph of the second page it states the Weld County Use by Special Review (USR) will not be approved until Spring 2024. Please clarify. Also note the dates are further muddled because the date on the letter is from November 2023 and the TR being submitted in 2024.
3. Has the Section 20 Gravel Mine received an approved USR for mining at the Site from Weld County? If so, please provide a letter from Weld County indicating its approval.
4. Please update the Pre-Mining Plan Map (Exhibit C-1) to clearly show the permit boundary of the Section 20 Mine (111) M2022-004 and other areas that may have changed the topography of the affected land to date within the permit boundary of M2022-001.
5. The Mining Plan states that the initial phase of mining will be accessed off of WCR 44. The map provided has two access points point labelled but it appears the access point off of WCR 27 is



going to be used, please clarify how the Site will be accessed for the initial phase of mining and update the map accordingly. The Division notes the M2022-004 accesses the Site from WCR 44.

6. The current baseline groundwater monitoring plan is not adequate to demonstrate that existing and reasonably potential future uses of groundwater are protected pursuant to Rule 3.1.7(8) and no unauthorized release of pollutants to groundwater shall occur from any materials mined, handled or disposed of within the permit area pursuant to Rule 3.1.5(11). There are 7 monitoring wells located around the permit boundary that are used to monitor groundwater levels. The Operator needs to expand groundwater quality monitoring to include additional monitoring wells, around the permit boundary, that demonstrate compliance with the aforementioned rules. The Site Goundwater Monitoring Plan shall be updated following the Division's Groundwater Monitoring: Sampling and Analysis Plan Guidance Construction Materials and Hard Rock Sites (2023) attached to this letter. Samples collected shall be analyzed for the constituents listed in Appendix A of the attachment.
7. Please include in the updated baseline groundwater monitoring plan, pursuant to Rule 3.1.7(7)(b)(iv), a description of the quality control and quality assurance methods (e.g. duplicate samples, rinsate samples) to be used during quarterly sampling.
8. Please commit to providing the quarterly groundwater monitoring results along with the monthly groundwater level measurements by the following deadlines:
  - First quarter report due by May 1<sup>st</sup> of every year.
  - Second quarter report due by August 1<sup>st</sup> of every year.
  - Third quarter report due by November 1<sup>st</sup> of every year.
  - Fourth quarter report due by February 1<sup>st</sup> of the following year.

At the end of five (5) consecutive quarters of baseline monitoring the Operator may submit a Technical Revision to reduce the analyte list and frequency of monitoring with sufficient justification.

9. Please commit to providing the Division a written report within five (5) working days when there is evidence of groundwater discharges exceeding applicable groundwater standards or permit conditions imposed to protect groundwater quality, in accordance with Rule 3.1.7(9). Please be advised, this notice requirement would apply to any exceedance of the groundwater monitoring standards set for monitoring wells. However, enforcement actions would only be pursued for exceedances at the approved point of compliance well.
10. Please commit to establishing a point(s) of compliance following five (5) quarters of baseline monitoring in accordance with Rule 3.1.7(6).
11. The mitigation triggers for groundwater level is specific to two monitoring wells MW-5 and 6. The Division requests trigger levels be set for all monitoring wells at the Site.

12. Please provide a graph of groundwater levels collected to date from all Site monitoring wells.
13. In the Exhibit L Table the 6-inch topsoil volume to be spread appears to account for 8.1 acres not 9 acres that will be seed and mulched. Shouldn't these two areas be the same?
14. The Figure provided indicates only 8 acres are to be backfilled, seeded and mulched. Please update the Figure to be consistent with the Table.

This concludes the Division's adequacy review of your revision application. The Division reserves the right to further supplement this document with additional adequacy items and/or details as necessary.

The decision date for your application is set for **May 29, 2024**. If additional time is needed to respond, an extension request must be received by our Office by the decision date. If on the decision date, outstanding adequacy items remain, and no extension request has been received, your revision may be denied and the file terminated.

If you need additional information or have any questions, please contact me by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Lennberg".

Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert, DRMS

ec: Kyle Regan, Civil Resources, LLC, [kyle@civilresources.com](mailto:kyle@civilresources.com)