



June 1, 2024

JC York  
J&T Consulting, Inc.  
c/o Ogilvy River Farms, LLC  
305 Denver Ave – Suite D  
Fort Lupton, CO 80621

**RE: Sweet Valley Pit (Permit No. M-2024-015)  
Adequacy Review #1**

Dear Mr. York:

On April 8, 2024, the Division of Reclamation, Mining and Safety received your 112 Construction Materials Application package for the Sweet Valley Pit, File No. M-2024-015. The application was deemed complete on April 19, 2024. The following questions address adequacy issues and missing information that is needed to complete the application. This information needs to be addressed and/or received before the Division can approve the application.

Rule 6.4 - Specific Exhibit Requirements - 112 Reclamation Operation

Rule 6.4.1 EXHIBIT A - Legal Description- Adequate as submitted.

Rule 6.4.2 EXHIBIT B – Index Map - Adequate as submitted.

Rule 6.4.3 EXHIBIT C – Pre-mining and Mining Plan Map- Adequate as submitted.

6.4.4 EXHIBIT D – Mining Plan

1. Exhibits C2 and C3 show screening berms at various locations around the North and South Cells. What are the purposes of the berms, what are they constructed of, will they have erosion control structures in the areas where they are adjacent to the permit boundary, are they permanent, are they required by another agency, and will they have vegetation?

6.4.5 EXHIBIT E – Reclamation Plan

2. What is the intended use of the 12” inches of topsoil that was salvaged from the North and South Cells? These two cells combined are 72.3 acres which equates to an excess of



~116,160 cy<sup>3</sup> of topsoil.

#### 6.4.6 EXHIBIT F - Reclamation Plan Map –

#### 6.4.7 EXHIBIT G - Water Information-

3. The results also show that the water tested was not filtered as required by Reg. 41. Benchmark concentrations for metals listed in Reg. 41 are for dissolved metal concentrations, not total metals. Therefore, the results provided from November 17, 2023, are not suitable for comparison to the standards in Reg. 41 and will not contribute to the necessary 5 consecutive quarters of required testing to establish baseline.
4. The Division suggests that to better establish baseline the Operator should sample all four monitoring wells for a minimum of 5 consecutive quarters and have the samples filtered as required before testing for the specified analytes from Tables 1-4 of Reg. 41.
5. The Operator should be required to collect water levels of the monitoring wells monthly and collect analytical data quarterly before and after establishing the baseline. This plan should be maintained until baseline data is provided and approved by DRMS and any proposed modifications to this sampling plan are approved by DRMS
6. The Operator should provide graphs to accompany a data table showing the depth of water versus time.
7. The Operator should clarify if the samples are filtered in the lab by SGS Laboratories.
8. The Division suggests that the Operator uses the southeast monitoring well as a background water quality sampling location and the remaining three monitoring wells as points of compliance (POC) for the long-term groundwater monitoring plan. The Division is open to reducing the number of POC wells for the operation over time if a subsequent request, submitted as a Technical Revision, and supported by the provided data is approved by the Division.

#### 6.4.8 EXHIBIT H - Wildlife Information - Adequate as submitted.

#### 6.4.9 EXHIBIT I - Soils Information - Adequate as submitted.

#### 6.4.10 EXHIBIT J - Vegetation Information - Adequate as submitted.

#### 6.4.11 EXHIBIT K - Climate - Adequate as submitted.

#### 6.4.12 EXHIBIT L - Reclamation Costs

9. A cost estimate was not completed at this time because a significant amount of information needed to complete an estimate was requested in this adequacy review. A cost estimate will be completed when the information is received, and J&T Consulting will have an opportunity to review/comment on it.

#### 6.4.13 EXHIBIT M - List of Other Permits and Licenses Required - Adequate as submitted.

6.4.14 EXHIBIT N - Source of Legal Right-to-Enter - Adequate as submitted.

6.4.15 EXHIBIT O Owner(s) of Record of Affected Land and Substance to be Mined – Adequate as submitted.

6.4.16 EXHIBIT P - Municipalities Within a Two-Mile Radius: Adequate as submitted.

6.4.17 EXHIBIT Q - Proof of Mailing of Notices to Board of County Commissioners and Conservation District- Adequate as submitted.

6.4.18 EXHIBIT R - Proof of Filing with County Clerk and Recorder - Adequate as submitted.

6.4.19 EXHIBIT S - Permanent Man-made Structures

10. Please submit structure agreements with all landowners that have a structure within 200 feet of the permit boundary.

The comment period for the Sweet Valley Pit closes on June 6, 2024. All comments received will be forwarded to J&T Consulting as they are received. Any jurisdictional issues raised by commenters will be addressed in subsequent adequacy review questions. The comments already received from DWR and CPW have already been forwarded to J&T Consulting.

The decision date for this application is July 18, 2024. 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.

All corrected pages must be provided to the Weld County Clerk & Recorder.

If you have any questions, please contact me at (720) 774-0040 or [brock.bowles@state.co.us](mailto:brock.bowles@state.co.us).

Sincerely,



Brock Bowles  
Environmental Protection Specialist