

STATE OF
COLORADO

Carter - DNR, Jocelyn <jocelyn.carter@state.co.us>

Two Rivers Pit M-1998-038 AM-1 Decision Date Extension Needed

5 messages

Carter - DNR, Jocelyn <jocelyn.carter@state.co.us>
To: Jodi Schreiber <jodi@arycorp.com>

Thu, May 30, 2024 at 12:48 PM

Good afternoon Jodi,

I wanted to reach out and let you know that I am working on the adequacy review of the revised documents that were submitted; I hope to have a review for you by the end of day tomorrow. I have been out of town off and on over the last month and noticed today that I missed the CPW comment you sent on the 14th. I didn't see anything else that you have sent regarding this application, but I want to double check with you. The big item that I still haven't seen is the groundwater monitoring plan.

Given my delay in finishing up the adequacy review for the most recent submission and having not started a review of the groundwater monitoring plan, I think it would be best for you to request an extension of the decision date for this application.

Let me know if you have any questions or comments.

Thanks,
Jocelyn

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Jocelyn Carter
Environmental Protection Specialist
Division of Reclamation, Mining, and Safety
1313 Sherman St Suite 215
Denver, CO 80203
cell: (720) 666-1065

Jodi Schreiber <jodi@arycorp.com>
To: "Carter - DNR, Jocelyn" <jocelyn.carter@state.co.us>

Mon, Jun 3, 2024 at 7:00 AM

Good morning, Jocelyn.

Since the GW monitoring plan will be submitted this week, I'd like to hold off on any extension until you've had a chance to review. It may be fairly simplistic and easy to review prior to the deadline. Are there any other adequacy items from the previous submittals I have sent over?



Jodi Schreiber

839 Mackenzie Ave., Canon City, CO 81212

Office (719) 275-3264 | Mobile (719) 529-0916

jodi@arycorp.com

"Success is not final, failure is not fatal; it is the courage to continue that counts."

-Winston Churchill

From: Carter - DNR, Jocelyn <jocelyn.carter@state.co.us>
Sent: Thursday, May 30, 2024 12:48 PM
To: Jodi Schreiber <jodi@arycorp.com>
Subject: Two Rivers Pit M-1998-038 AM-1 Decision Date Extension Needed

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Carter - DNR, Jocelyn <jocelyn.carter@state.co.us>
To: Jodi Schreiber <jodi@arycorp.com>

Mon, Jun 3, 2024 at 8:10 AM

Good morning Jodi,

Given that the scheduled decision date is for this upcoming Saturday, I still think it would be best to request an extension of the decision date. I will be out of the office for a continuing education/training course Tuesday - Thursday this week, so I will not have much time to review the plan.

There are some outstanding and additional adequacy issues as well.

~Jocelyn

[Quoted text hidden]

Jodi Schreiber <jodi@arycorp.com>
To: "Carter - DNR, Jocelyn" <jocelyn.carter@state.co.us>

Mon, Jun 3, 2024 at 8:25 AM

Would you send me any outstanding items so I can begin working on them? I'd like to get this finished up as soon as possible since this has been dragging on for some time.

Thank you,

Jodi Schreiber

From: Carter - DNR, Jocelyn <jocelyn.carter@state.co.us>
Sent: Monday, June 3, 2024 8:10:09 AM
To: Jodi Schreiber <jodi@arycorp.com>
Subject: Re: Two Rivers Pit M-1998-038 AM-1 Decision Date Extension Needed

[Quoted text hidden]

Carter - DNR, Jocelyn <jocelyn.carter@state.co.us>
To: Jodi Schreiber <jodi@arycorp.com>
Cc: John Paul Ary <Jp@arycorp.com>, Amy Eschberger - DNR <amy.eschberger@state.co.us>

Mon, Jun 3, 2024 at 10:53 AM

Jodi,

Please see the attached adequacy review for the AM-1.

I understand that this process can be frustrating, but as I stated before, I do feel that it would be best to submit an extension request for the decision date for this application. If I am not able to sufficiently review the groundwater monitoring plan or the response to the issues outlined in the attached document, the application may be denied on June 8, 2024.

Thank you for your patience,

Jocelyn

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20240603_TwoRivers_AM1_SecondAdequacyReview.pdf
1245K



June 3, 2024

Jodi Schreiber
Fremont Paving & Redi-Mix Inc.
839 Mackenzie Ave.
Canon City, CO 81215

RE: Fremont Paving and Redi Mix, Inc. Two Rivers Pit M-1998-038 Amendment Application (AM-1), Second Adequacy Review

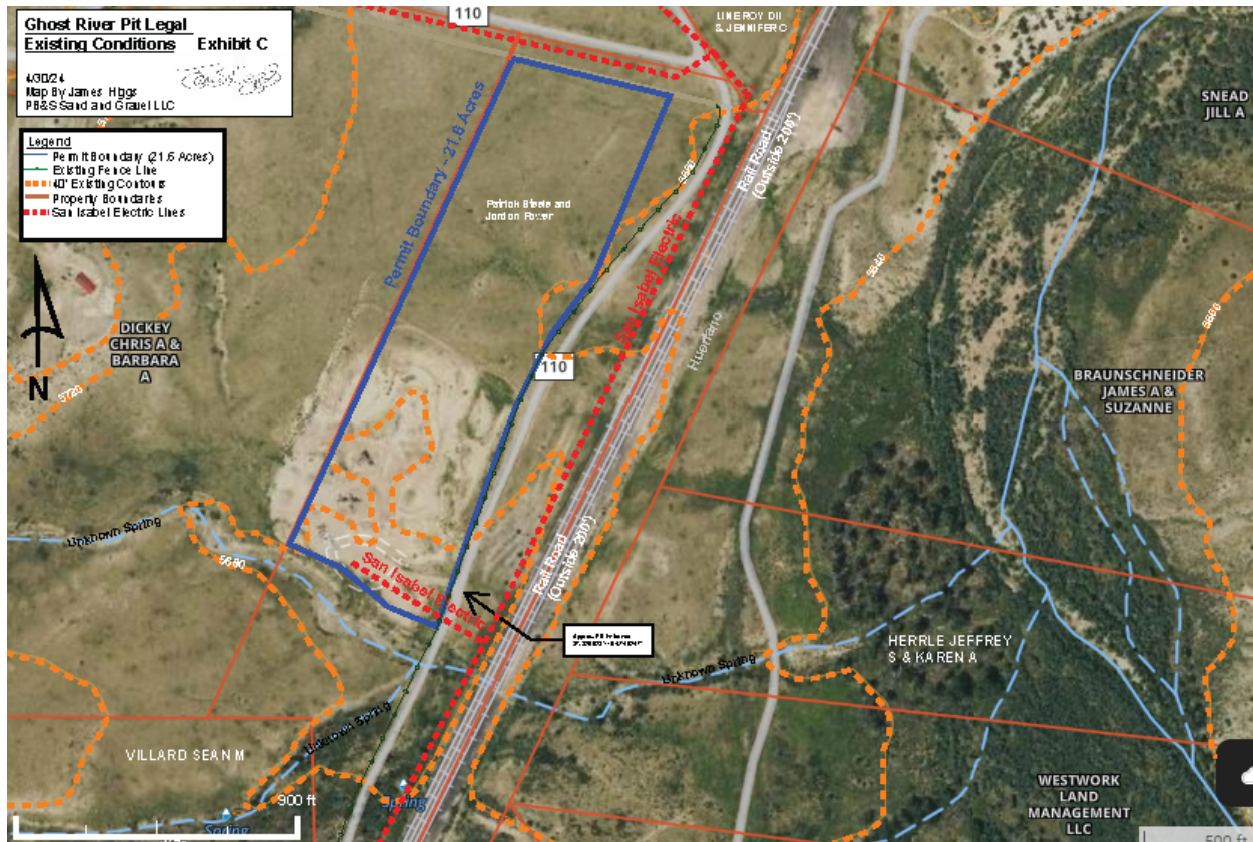
Dear Jodi Schreiber,

The Division of Reclamation, Mining, and Safety (the Division/DRMS) received the amendment application (AM-1) from Fremont Paving and Redi Mix, Inc. (Fremont/FPRM), submitted on January 22, 2024, and completed and filed it with the Division on February 8, 2024. The response to the preliminary adequacy review was received on May 6, 2024. There are remaining items that require clarification. Please address the following adequacy review items and include a cover letter with a response to each of the items listed below.

Rule 6.2.1 General Requirements

1. **The following issues remain outstanding:** Maps submitted contain the operation name of “2 River Pit”, according to Division records the operation name is “Two Rivers Pit.” Correct the operation name on the following maps submitted to reflect the name on file with the Division in accordance with Rule 6.2.1(2).
 - a. “Existing Conditions Exhibit C.1”
 - b. “Existing Conditions Building Details Exhibit C.2”
 - c. “Existing Conditions Wells Exhibit C.3”
 - d. “Existing Conditions Land Owners Exhibit C.4”
 - e. “Mining Map Exhibit D”
 - f. “Reclamation Map Exhibit F”
2. **The following issue remains outstanding:** The scale on the map titled “Existing Conditions Wells Exhibit C.3” shows to be 1:18,056; no units are listed. Revise map to show a scale that is no larger than 1 inch = 50 feet and no smaller than 1 inch = 660 feet in accordance with Rule 6.2.1(2)(e).
3. **The following is an additional issue:** A map was submitted with the preliminary adequacy response titled “Ghost River Pit Legal, Existing Conditions, Exhibit C”. This map does not appear to be associated with the Two Rivers Pit, Permit No. M-1989-038. Please confirm; the map in question is given below.





Rule 6.4.2 Exhibit B – Index Map

4. The following issue remains outstanding: The map titled “ALTA/ACSM LAND TITLE SURVEY” appears to meet the requirement of Rule 6.4.2 and Exhibit B – Index Map. There does not appear to be any indication that this map was submitted to satisfy the requirement. Please either label the map to indicate this or give a statement within the Exhibit B – Index Map.

Rule 6.4.3 Exhibit C – Pre-mining Mining and Mining Plan Map(s) of Affected Lands

5. The following question remains outstanding: There is one labeled index contour line with one other index contour line that is not labeled and a number of intermediate contour lines throughout the area on the map titled “Existing Conditions – Land Owners Exhibit C.4”. The map needs to include topography with sufficient detail to portray the slope and direction of rate of slope change based on the current site conditions, per Rule 6.4.3(c). Revise this map to include additional detail so that the direction of slope and flow are apparent.
6. The following question remains outstanding: The previously requested changes for the map titled “Existing Conditions Wells Exhibit C.3” were not made to the maps submitted on May 6, 2024. Revise the map titled “Existing Conditions Wells Exhibit C.3” to

include the names and locations of the Arkansas River and any tributaries, the Highline Canal, where the settling pond and the two wash ponds will be located, the dewatering trench from Phases 1, 3, 8, 9, and 10, the trench from the settling pond to the Arkansas River, and any known aquifers, per Rule 6.4.3(f), Rule 6.4.7(2)(a), and 6.4.7(2)(b).

7. **The following question remains outstanding:** The previously requested changes for the map titled “Existing Conditions Exhibit C.1” and “Existing Conditions Building Details Exhibit C.2” were not made to the maps submitted on May 6, 2024. The “Existing Conditions Exhibit C.1” and the supplemental “Existing Conditions Building Details Exhibit C.2” maps need be updated to include all structures and the *owner’s names* of the structures located within 200 feet of the affected land in accordance with Rule 6.4.3(g). Include the portions of the fence line that have various owners and the owners of all the structures labeled.

Rule 6.4.4 Exhibit D – Mining Plan

8. **The following question remain outstanding:** The previously requested changes for the map titled “Mining Map Exhibit D” were not made to the maps submitted on May 6, 2024. The maps titled “Mining Map Exhibit D” display cross sections. There are no cross-section lines correlating with the direction of the cross sections. Though the cross sections specify that they are ‘typical ...’ sections, there is no indication of the direction to correlate where the sections are in relation to the map. Revise the maps to clarify where these cross sections are in relation to the surface maps.
9. **The following is an additional issue:** The map titled “Phase Map” provides a cross-section line on the map that correlates with a profile view, as requested but does not provide a corresponding line or location on the surface map for the settling pond cross-section. There is also an additional cross-sectional profile of a “typical ditch section”, please indicate which end is within the pit.
10. **The following is an additional issue:** The revised “Mining Map Exhibit D” indicates in the Legend that the permit area is 420 acres; there is a label on the map that provides that accurate acreage of 357.2 acres. Please revised this with only the correct permit acreage.
11. **The following is an additional issue:** The dewatering ditch shown on the revised “Phase Map” show drainage for Phases 2, 4, 5, 6, and 7. How will dewatering be achieved for the remaining Phases? The revised Exhibit D – Mining Plan states that a trench will be dug through the unaffected area from the settling pond to the Arkansas River. Please update the “Phase Map” and the “Existing Conditions Wells Exhibit C.3” map to show where the trench will be located on the permitted area in accordance with Rule 6.4.3(f) and Rule 6.4.4(c)?

Rule 6.4.5 Exhibit E – Reclamation Plan

12. **The original question posed:** It is stated in Exhibit G that the groundwater is expected to be between 15-45 feet below surface. It is also stated in Exhibit D that mining operations will go as far down as 46 feet (up to 12 inches of overburden + 45 feet mining depth).

Given this, the excavated areas will likely fill with groundwater. The proposed post-mining land use is categorized as cropland and no material will be imported during reclamation to backfill the affected lands according to the plan. Provide an explanation of how the pits will be backfilled to address the exposed groundwater to establish the proposed post mine land use. Update Exhibit L to account for the cost of backfilling these pits and provide a description of the source of backfill materials with documentation/justification of their availability.

FPRM Response: Onsite material to be used for backfill is waste material during processing. At a fairly conservative estimate of 30% waste, Fremont will have approximately 6,500,000 tons of material to backfill. Based on the lower portion of the site being approximately 132 acres, Fremont has calculated that backfill needed to cover groundwater is approximately 4,875,000 tons. These calculations verify that no material will need to be imported and can be used from onsite sources to cover any exposed groundwater. Waste material will be used to immediately backfill areas for reclamation in a progressive manner as mining progresses. There is no additional costs incurred for such activity in the original Exhibit L. At no time will greater than 100 acres be open for active mining.

DRMS Response: Based on the information given regarding the amount of material to be extracted and the lowest groundwater level, it is estimated that the 132 acres of the lower portion of the site will need to be backfilled by approximately 33 feet. This equates to 7,027,680 cubic yards of material. Please provide the volumes of the expected approximate waste material in cubic yards.

13. **The following questions remain outstanding:** Per Rule 6.4.5(c), provide a description of how the proposed reclamation plan will be implemented to meet each of the following requirements outlined in Rule 3.1. Update Exhibit E to include this information:
- a. Exhibit G states that groundwater will be encountered, the application also proposes to conduct dewatering operations to facilitate mining. Therefore, the application must address how the groundwater quantity and quality will be protected in accordance with Rules 3.1.6 and 3.1.7.
 - i. Provide a groundwater monitoring plan to collect baseline hydrology data and to be implemented during the mining and reclamation operation that meets the requirements outlined in Rule 3.1.7(7). Review the “Groundwater Monitoring Sampling and Analysis Plan Guidance, Construction Materials and Hard Rock Sites” document dated September 2023 on the DRMS website, <https://drms.colorado.gov/programs/minerals-regulatory-program/minerals-program-policies-guidance-documents-and-technical>. This document is also attached to this adequacy review.
 - ii. The groundwater monitoring plan needs to include a method to establish groundwater quality standards of the affected areas and will also require point(s) of compliance (POC) in accordance with Rule 3.1.7(6).
 - b. **The following is an additional issue:** Exhibit E – Reclamation Plan indicates that

the home and the outbuildings onsite may be removed at the owner's request. Fremont is the landowner for the area where these structures are located. Please indicate whether these structures will remain after reclamation or if they will be removed, per Rule 3.1.11.

Rule 6.4.6 Exhibit F – Reclamation Map

14. *The following question remains outstanding:* The reclamation plan states that no material will be brought in for reclamation purposes. On the Map titled “Existing Conditions – Land Owners” the index contour line is labeled 4450 ft. In Exhibit F, the reclamation map shows that the approximate elevation of the area will be 4560 ft on the west end of the permit area and sloping to 4540 ft along the eastern end of the permit area. The reclamation plan shows an increase in elevation by approximately 100 feet. The topographic lines do not appear to be accurate, and it appears the contour interval is 10 feet. Given the scale of the map provided and the assumed contour intervals, the side slopes depicted were found to be about a 1.5:1 horizontal to vertical ratio, not a 3:1 ratio or flatter as labeled on the map. Revise the map to comply with Rule 6.4.6(a).

Rule 6.4.7 Exhibit G – Water Information

15. *The following question remains outstanding with additional items in red font:* As stated in item number 7 6 above, *please consolidate water resources onto a map* identifying the Arkansas River and any tributaries, wells, the settling pond, *the two wash ponds, the dewatering trenches from Phases 1, 3, 8, 9, and 10 in addition to the dewatering trench for the remaining Phases, the trench from the settling pond to the Arkansas River, and the canals on the affected land and the adjacent lands in accordance with Rule 6.4.7(2)(a) and all known aquifers in accordance with Rule 6.4.7(2)(b).*
16. *The following is an additional issue:* Fremont states that “Fremont could also, through the SWSP, receive annual allocations from AGRA” for a potential water source for its water needs. Identify AGRA and provide details of how these allocations through a SWSP will be able to supplement water requirements and an estimate of the projected amount, per Rule 6.4.7(4).

Rule 6.4.9 Exhibit I – Soils Information

17. *The following is an additional issue:* The updated Exhibit I – Soils Information states that the topsoil is 18 inches, and the overburden is 2 – 10 feet. In Exhibit D – Mining Plan, Fremont states that the topsoil is 0 – 6 inches with overburden measuring 4 – 12 inches. Please clarify the discrepancy in these values, per Rule 6.4.4(f)(i) and Rule 6.4.9(1).

Rule 6.4.12 Exhibit L – Reclamation Costs

18. There are still outstanding clarifications that need to be addressed (see item #12 above) before a complete and accurate reclamation cost estimation can be calculated by the Division. Please note that the referenced April 2023 reclamation cost estimation is based

on observations from an inspection conducted by the Division. The specific details used to calculate the April 2023 bond do not reflect the full extent of the mining plan purposed in the AM-1 application. The Division will need to re-calculate the bond required based on the worst-case scenario outlined in the AM-1 application. The estimate would include 100 acres needing to be backfilled up to 33 feet of depth, graded, topsoiled, and seeded and a 1000-foot long highwall, at 46 feet in height, being knocked down to a 3H:1V slope.

This concludes the Division secondary adequacy review of the AM-1 application. The Division reserves the right to further supplement this document with additional adequacy items and/or details as necessary.

The decision date for the AM-1 application is June 8, 2024. Please respond with sufficient time to allow the Division to completely review the submitted responses to the above items. If additional time is needed, please submit an extension request to the Division prior to the decision date.

If you have any question or concerns, I can be reached by email at Jocelyn.carter@state.co.us or by phone at (720) 666-1065. Please don't hesitate to contact me.

Sincerely,



Jocelyn Carter
Environmental Protection Specialist

Ec: Amy Eschberger, DRMS
Cc: John Ary, Fremont Paving & Redi-Mix, Inc.