



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

July 12, 2024

Jim MacDonald
APC Construction Co.
14802 W 44th Ave
Golden, CO 80403

Hooper Pit, Permit No. M-2020-024, Inspection Problem Abated

Dear Mr. MacDonald:

On August 10, 2023 the Division of Reclamation, Mining and Safety (Division) conducted an inspection of the above referenced site. Hydrologic balance was cited as a problem for exposing groundwater with no evidence of a valid well permit, substitute water supply plan, or approved water augmentation plan. Corrective actions required you to demonstrate that the operation is in compliance with the Office of the State Engineer, show measure to bring the site into compliance with the State Engineer Office, or backfill the pits to at least two feet above the groundwater surface photo by the October 1st, 2024.

On July 10, 2024, the Division received photos of the pit backfilled to at least two feet above the groundwater surface. This satisfies the corrective action and it is considered abated.

If you require additional information, or have questions or concerns, please feel free to contact me directly at the Division's Grand Junction Field Office, by phone at (720) 688-0626 or by email at todd.jesse@state.co.us

Sincerely,

Todd Jesse
Environmental Protection Specialist

CC: Travis Marshall, Senior EPS, DRMS
Sara Weimer, APC Construction Co





APC Construction Co.
14802 W 44th Avenue
Golden, Colorado 80403
Office: 303-279-6611
Fax: 303-279-6216
www.apc.us.com

July 10, 2024

Division's Active Mines Program
DRMS Room 215
1001 E 62nd Avenue
Denver, CO 80216
Attn: Todd Jesse

RE: Hooper Pit DRMS M-2020-024 final reclamation activities for closure.

Mr. Jesse:

Oldcastle SW Group, Inc dba APC Southern Construction Co. completed additional reclamation activities to cover and reduce groundwater exposure at the Hooper Pit on June 28, 2024. These activities' purpose is to finalize close out of the Hooper Pit M-2020-024 with the Division of Reclamation Mining and Safety. APC Southern has back filled the pit at least two feet above groundwater surface exposure and regraded slopes in a manner that restores to general drainage pattern of the site.

These activities have been discussed with owner, Barb Anderson, who accepts the land in the current condition post-reclamation activities on June 26, 2024.

We are reaching out to show you APC Southern has taken measures to bring the site into compliance per previous inspection dated August 10, 2023.

Attachments include a sign-off from the landowner, images of work completed, previous inspection report and corresponding letters.

APC Southern requests to close out this site. Please reach out on next steps for this.

Thank you,

Jim MacDonald
APC Southern Construction
A CRH Company





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14802 W 44th Avenue
Golden, Colorado 80403
Office: 303-279-6611
Fax: 303-279-6216
www.apc.us.com

June 26, 2024

Curtis Pit Lease
Recorded Parcel 4861334
Saguache County, CO

Attn: Barb Anderson

RE: Curtis Pit; Hooper Pit DRMS M-2020-024 final reclamation activities for closure.

Mr. Jesse:

Oldcastle SW Group, Inc dba APC Southern Construction Co. completed additional reclamation activities to cover and reduce groundwater exposure at the Curtis Pit on June 26, 2024. These activities' purpose is to finalize close out of the Hooper Pit M-2020-024 with the Division of Reclamation Mining and Safety. APC Southern has back filled the pit at least two feet above groundwater surface exposure and regraded slopes in a manner that restores to general drainage pattern of the site.

APC Southern Construction has taken measurements to bring the site into compliance and all applicable portions of the Reclamation Plan requirements for M-2020-024 and in accordance with the applicable Rules and all applicable requirements under the Act.

These activities have been discussed with owner, Barb Anderson, who accepts the land in the current condition post-reclamation activities on June 26, 2024.

As agreed, upon on this date: 6-28-2024


Barb Anderson

Owner, Curtis Pit


Jim MacDonald

Oldcastle SW Group, Inc dba APC Southern Construction Co





APC Construction Co.
14802 W 44th Avenue
Golden, Colorado 80403
Office: 303-279-6611
Fax: 303-279-6216
www.apc.us.com

November 21, 2023

Colorado Division of Reclamation, Mining and Safety
Room 215
1001 E 62nd Avenue
Denver CO 80216

Attn: Todd Jesse

RE: Hooper Pit; M-2020-024 Final Reclamation Activities for closure

Mr. Jesse:

As previously discussed, Oldcastle SW Group Inc dba APC Southern Construction Co requested a 30-day extension to finalize close out of the Hooper Pit M-2020-024 on October 23, 2023. Per inspection findings and corrective actions, APC Southern will back fill the pits to at least two feet above the groundwater surface, removing erosion features on the pit walls and revegetating by October 2024.

After this is completed, APC Southern shall notify compliance with the Office of the State Engineer to show operator has taken measurements to bring the site into compliance and all applicable portions of the Reclamation Plan requirements for M-2020-024 will be satisfied in accordance with the applicable Rules and all applicable requirements under the Act.

Any questions or concerns, please feel free to contact me.

Thanks,

Jim MacDonald
Oldcastle SW Group Inc.





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

November 22, 2023

Jim MacDonald
APC Construction Company

Re: Hooper Pit M-2020-024, Inspection Problem Corrective Action, Final Resolution Date Extension

Dear Mrs. Staub,

On November 21, 2023 the Division of Reclamation Mining and Safety (Division) received your request for an extension to the compliance date for demonstrating that the operation is in compliance with the Office of the State Engineer by backfill the pits to at least two feet above the groundwater surface as detailed in the August 21st 2023 inspection report. This notice is to inform you that your request has been **approved**. All materials required to demonstrate compliance should be submitted to the Division no later than Tuesday October 1, 2024.

If you require any additional information please feel free to contact me at the Division's Grand Junction Field Office, by phone at 303-866-3567 ext. 8107 or by email at lucas.west@state.co.us.

Sincerely,

Todd Jesse
Environmental Protection Specialist
Division of Reclamation, Mining and Safety







COLORADO

Division of Reclamation,
Mining and Safety


Department of Natural Resources

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.

MINE NAME: Hooper Pit	MINE/PROSPECTING ID#: M-2020-024	MINERAL: Sand and gravel	COUNTY: Saguache
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: August 10, 2023	INSP. TIME: 07:50
OPERATOR: APC Southern Construction Co., LLC	OPERATOR REPRESENTATIVE: Jim MacDonald	TYPE OF OPERATION: 111 - Construction by Government Agency	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$20,000.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Todd Jesse	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: August 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: Hydrologic Balance

PROBLEM/POSSIBLE VIOLATION: Problem: The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site. This is a problem related to 34-32.5-116(4)(h) of the Colorado Revised Statutes and 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.

CORRECTIVE ACTIONS: The operator shall demonstrate that the operation is in compliance with the Office of the State Engineer, show evidence that the operator is taking measures to bring the site into compliance with the SEO, or backfill the pits to at least two feet above the groundwater surface by the corrective action date specified.

CORRECTIVE ACTION DUE DATE: 10/23/23

OBSERVATIONS

This inspection report was conducted as part of the normal monitoring program established by the Colorado Division of Reclamation, Mining and Safety's Active Mines Program. The Hooper Pit is a 111 Operation operated by APC Southern Construction Co., LLC. The site is located less than one mile north of the town of Hooper, CO at an elevation of approximately 7,548 feet. Public access is controlled by a gate off Co Rd 62 and the site consists of 9.5 acres to be reclaimed for the post mine land use of rangeland. The previous inspection occurred in 2021 and the Division holds a \$20,000.00 financial warranty on the site. Jim MacDonald, a representative of APC Southern Construction Co., LLC was present for the inspection.

The proper mine identification signage was posted at the entrance to the site. Permit boundaries are clearly marked with fence line. The site was not active at the time of the inspection and is in final reclamation. The road project that required the creation of the pit is complete and there has been no equipment on site for some time. There are no support facilities, equipment, or hydrocarbons stored in the permit area.

Groundwater was exposed at some point during the mining process which contradicts the approved Mine Plan. Water was observed at the bottom of the pit during this inspection and the previous inspection. This is noted as a problem. The permit application states that groundwater would not be exposed. Please contact the Colorado Division of Water Resources (DWR) to obtain a Gravel Well Pond Permit or other documentation that allows groundwater to be exposed on the pit floor. If permission from DWR cannot be obtained, the operator will need to backfill the pit to at least two feet above the groundwater surface.

Mining has been conducted at reclamation grade resulting in no high wall on the property. Slopes of the pit generally appear stable with minor erosional rills in the southwest corner of the pit. Revegetation attempts on the pit slopes were not successful – most likely due to poor quality of topsoil in the area. Before the permit could be released the Operator will need to obtain documentation from the land owner that they will accept the land in its current condition. The letter must contain statements that the land owner accepts exposed groundwater, vegetation, and erosion rills. If no documentation is provided that the land owner accepts the land in the current condition then the operator will be responsible for backfilling the pit to at least two feet above the groundwater surface, removing erosion features on the pit walls, and revegetating.

Photos that show the conditions observed during the inspection are included at the end of this report.

~~All responses to this report should be directed to Todd Jesse with the Division's Active Mines Program at~~ DRMS, Room 215, 1001 E 62nd Ave. Denver, CO 80216. Direct contact can be made at the Division's Grand Junction Field Office, by phone at 720-688-0626 or by email at todd.jesse@state.co.us.

PHOTOGRAPHS



View to the west showing proper Mine ID signage posed at the entrance to the site.



View to the north showing fence line that clearly marks permit boundary.



View to the west showing vegetation above the pit along the northern permit boundary



View to the south of erosion rills on the far side of the pit. Water can be seen on pit floor



View to the southwest showing exposed groundwater, erosion rills on pit slopes and lack of revegetation.



View to the west showing slopes of the pit walls. The pit was mined at reclamation grade, but limited vegetation is present on the slopes

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

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

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

Inspection Contact Address

Jim MacDonald
APC Southern Construction Co., LLC
14802 W 44th Ave
Golden, CO 80403

CC: Travis Marshall, DRMS