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Attachment K.

Boulder County Rock Import Memorandum and DRMS Determination Letter

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

January 31, 2025

Ernst Strenge
Boulder County
5201 St. Vrain Road
Longmont, CO 80503

RE: Lyons Quarry, Permit No. M-1977-141, Division Response to "Is It Mining?" Questionnaire, No Permit Required

Dear Ernst Strenge,

On January 30, 2025, the Division of Reclamation, Mining and Safety (Division/DRMS) received your completed "Is It Mining" questionnaire regarding stream restoration activities that will lead to the importation and stockpiling of excess material within the permit boundary of the Lyons Quarry, permit no. M-1977-141, located on a property in Boulder County. It is noted that Boulder County owns the property where the permit is located. The excess material is being excavated from a restoration project along the banks of the South St. Vrain Creek and then will be placed within the permit boundary of the Lyons Quarry. The stockpiled material will then be used in a future restoration project also located within the current permit boundary. The timing of this project is not known, at this time, and may occur after the permit has been released. The restoration project, generating the material, was first identified after the 2013 floods by the Emergency Watershed Protection Program. The project is being funded by grants from Colorado Water Conservation Board and Colorado Division of Public Health and the Environment (CDPHE) and is primarily located on land owned by Boulder County. The project received approval from the Boulder County Planner and the US Army Corps of Engineers and as construction activities get closer additional coordination will occur with Boulder County and CDPHE.

The Mined Land Reclamation Board has requested the Division make determinations as to the need for a Mined Land Reclamation Permit. Based on the information provided in the questionnaire, the Division has determined **a permit is not required for the activity from the Division**. Any significant deviation from the described activity could result in review and possible reversal of this determination.

If you disagree with this decision, you may petition to appear before the Board during a formal public hearing for a Declaratory Order concerning this matter. Pursuant to Rule 2.5.2(1), the request must be submitted to the Board in writing and be received no later than 10 days prior to the hearing. The written request must contain the information required pursuant to Rule 2.5.2(2). The next available Board hearing will be held on February 19, 2025. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203.

If you need additional information or have any questions, please contact me by email at patrick.lennberg@state.co.us or by phone at (720) 665-0836.

Sincerely,

Patrick Lennberg
Environmental Protection Specialist

cc: Jared Ebert; DRMS

ec: Ernst Strenge, Boulder County, estrenge@boundlercounty.gov
Wyatt Webster, Holcim – WCR, Inc., wyatt.webster@holcim.com
Travis Snyder, HDR, Travis.Snyder@hdrinc.com

Memo

Date:	Wednesday, January 29, 2025
Project:	Lyons Quarry Reclamation Project (Permit No. M-1977-141)
To:	Mr. Patrick Lennberg, DRMS Environmental Protection Specialist
From:	Mr. Wyatt Webster, Holcim-WRC, Inc. Regional Land and Environment Manager
Subject:	Notice of Material Imported for Boulder County Parks and Open Space Floodplain Restoration, Permit No. M-1977- 141 — Lyons Quarry

Dear Mr. Lennberg:

In accordance with Construction Material Rule 3. 1. 5(9), the following is provided in support of this Notice:

a) Inert fill material will be obtained from the Old St. Vrain Road Reach Restoration Project downstream of the Lyons Quarry. A full copy of the Project narrative is included with this notice as **Attachment A**. The overall goal of this project is to increase ecological and geomorphological resilience in a relatively unconfined river reach to maintain beneficial uses of waters and improve watershed resilience at a site located downstream of high severity fire and upstream of communities. Resilience will be attained through a process-based design approach that focuses on overall corridor function, particularly floodplain processes including more frequent inundation, infiltration, and expansion of riparian vegetation. The project will remove the excessive floodplain deposition that occurred during the 2013 flood, provide multiple elevational zones that support various riparian communities and activate during different flood events, and create additional complexity for improved habitat. An additional goal is to complete the project as efficiently and cost effectively as possible within the established timeframe.
This material is assumed to be riverbed material excavated to increase the ability of the floodplain to handle flood events without causing damage to nearby properties.

The off-site material is accepted in accordance with Holcim-WCR Inc. "Inert Material Acceptance Policy" a copy of which is enclosed as **Attachment B**. This material will be incorporated into the reclamation of the quarry operated under MLRB I I2c Permit No. M- 1977- 141, located at 1605 Old St. Vrain Rd, Lyons, Colorado in Boulder County. Biohabitats engineered the downstream Project and Left Hand Excavating will excavate, transport, and stockpile the material for the Watershed Center (in coordination with Boulder County).

b) The volume of inert material to be imported and backfilled as set forth in (a) above will be an assumed total of 8,000 cubic yards. This volume is within the 200,000 cubic yards of potential additional material that was referenced for future import in Technical Revision #3 (dated 6/28/2018) for Lyons Quarry in which 29,405 cubic yards of inert material were imported as backfill from restoration work downstream of the site (see **Attachment C**) into Quarry 2. No additional import was performed following this initial work.
c) Enclosed at **Attachment D** is the agreement (Exhibit 2) between Aggregate Industries and Boulder County including an affidavit certifying that the material imported was clean and inert, as defined in Rule 1. 1(20). Additional affidavits will be submitted as needed.
d) Importing of fill material is planned to start in January 2025 and may continue into June 2025.
e) The imported material will be stockpiled in the dedicated staging area at the east end of the site where the sedimentation pond previously existed as shown in Exhibit 1 (**Attachment E**). This coincides with TR #3 which stated that, "Future fill material, if any, will be placed in the East Fill Area of the quarry". This area is also determined to be outside of the 100-year floodplain and is protected from South St. Vrain Creek by the large riprap scour berm that was placed during floodplain reclamation in 2023. Existing remnant stockpiles left in the staging area will be relocated within the area to accommodate the imported fill.
f) The material will be placed and stabilized in accordance with the reclamation plan that will be updated in Technical Revision #6 for the Site. In general material will be dumped and pushed against the southeast-facing slope of the designated staging area as temporary stockpile with a wheel loader or bulldozer. The coarse aggregate to cobble material will remain stockpiled until grading work within the floodplain area of Lyons Quarry begins which is assumed for calendar year 2026.

Records available upon request.

If you have any questions regarding this notice please contact me at (702) 379-4623.

Attachment A:

Old St. Vrain Road Reach Restoration

Project Narrative

Old St. Vrain Road Reach Restoration Project

Updated Project Narrative

JULY 23, 2024

Prepared for:

The Watershed Center
6800 Nimbus Road
Longmont, CO 80503

Prepared by:

Old St. Vrain Road Reach Restoration Project

Introduction

The Watershed Center is implementing a design/build ecological restoration project for the Old St. Vrain Road Reach on South St. Vrain Creek and hired Left Hand Excavating and their team, including Biohabitats, to design and construct the project. Following the September 2013 flood, multiple projects have occurred on South St. Vrain Creek to address damage and improve ecological conditions and resiliency. This project is the result of coordination between The Watershed Center (TWC) and Boulder County. While the County has focused on restoration projects upstream and downstream of the site, TWC was able to obtain grant funding to address this section of the creek through a design/build project. This project also includes minor work on one of the overflow channels that was part of the County Parks and Open Space's completed restoration project. (Throughout this document, we refer to the overflow channel work site as the downstream area.)

This project is funded by the CDPHE 319 Nonpoint Source Project Grant and CWCB Watershed Restoration Program Special Release Grant. These grants support the following activities:

- control nonpoint source pollution, including post-fire sedimentation
- achieve and maintain beneficial uses of waters such as ecological conditions for fish and wildlife and water quality
- improve watershed health in areas impacted by 2020 fires (i.e., Calwood Fire)
- reduce hazards and increase flood safety by reconnecting (lowering) the floodplain and allowing the river to move during high flow events

The overall goal of this project is to increase ecological and geomorphological resilience in a relatively unconfined river reach to maintain beneficial uses of waters and improve watershed resilience at a site located downstream of high severity fire and upstream of communities. Resilience will be attained through a process-based design approach that focuses on overall corridor function, particularly floodplain processes including more frequent inundation, infiltration, and expansion of riparian vegetation. The project will remove the excessive floodplain deposition that occurred during the 2013 flood, provide multiple elevational zones that support various riparian communities and activate during different flood events, and create additional complexity for improved habitat. An additional goal is to complete the project as efficiently and cost effectively as possible within the established timeframe.

Biohabitats has completed final review plans. To get to this point, the Watershed Center and the design/build team has completed field visits, held a community meeting, and coordinated with project stakeholders, including Boulder County Parks and Open Space (BCPOS). BCPOS and local landowners have reviewed concept and draft plans and provided input and recommendations. Construction is expected to begin in September 2024 with an estimated duration of 12 weeks. Additional planting will likely occur in September 2025. This narrative accompanies the Construction Drawings, which includes the following items:

a. Cover Sheet
b. Sheet Index
c. Existing Conditions and ESC Plan

d. Proposed Conditions
e. Details
f. Planting Plans

Background Information

In September 2013, a prolonged, heavy rain event caused severe flooding on South St. Vrain Creek resulting in severe bank erosion and heavy deposition that degraded the geomorphic function and ecological condition of the Old St. Vrain reach project areas. Subsequently in 2020, the Calwood fire severely burned over 10,000 acres in the South St. Vrain and Left Hand Watersheds resulting in increased surface runoff, high flows, and sedimentation that further reduced geomorphic and ecological function at these reaches. Along with the impacts of recent flood and fire, the Old St. Vrain reaches are listed on the Colorado's Section 303(d) List of Impaired Waters for temperature.

The project area was part of a larger reach of South St. Vrain Creek that was identified and prioritized for restoration following the 2013 flood by the Emergency Watershed Protection Program (EWP) [1]. This early post-flood planning and design underwent a public engagement process and resulted in a preliminary restoration design. Other parts of this larger reach have been constructed or are in the final design phase. For this project, there are two focus areas: the upstream (US) area and the downstream (DS) area (Attachment A). The US area, which has not been restored since the 2013 flood, experienced heavy deposition resulting in limited geomorphic and ecological function. Through continued stakeholder collaboration, this section was identified as a priority area for river restoration that addresses impacts of recent flood and fire and improves geomorphic function and ecological conditions now and into the future. The DS area is an overflow channel that was part of the 2019 project by BCPOS under the EWP Program flood recovery efforts. Through stakeholder and landowner collaboration, this area was prioritized as an opportunity for adaptive management to improve floodplain connection and habitat.

Project Description

Impacted Parcel Information

The parcels that will be impacted by this project are listed below in Table 1.

Table 1. Old St. Vrain Reach Parcels

LOCATION	PARCEL ID	PHYSICAL ADDRESS	OWNER ID
US	120125000010	31074 S ST VRAIN RD	HALL, JOHN A. ET AL
US	120125000011	0 OLD ST. VRAIN ROAD	COUNTY OF BOULDER
US	120124000005	0 OLD ST. VRAIN ROAD	COUNTY OF BOULDER
DS	120319000016	530 OLD ST. VRAIN ROAD	COUNTY OF BOULDER

The upstream area ("US" in table above) is where most of the work will occur. There is a neighboring parcel to the County property at the downstream area ("DS", ID 120319000006) owned by GOSNELL

[1] Preliminary Basis of Design Report for South St. Vrain Creek Restoration at Hall Ranch by Matrix Design Group, 2016

RONALD A & JOALEEN D. Ron Gosnell is an active stakeholder in this project. However, no impacts are planned for that property.

Project Design Description

Upstream Area

The focus of this project is to lower the excess accumulated sediment from the 2013 flood down to elevations that promote channel connectivity and natural floodplain processes (plan sheets 10, 11, and 12). The material to be excavated is a mixture of sand, gravel, and cobble material that has a relatively sparse (<10%) vegetative cover. The ground will be cut down to create a riparian floodplain that integrates with existing lower vegetated areas and creates additional low areas that allow for varying hydrologic regimes and habitat types. Relatively simple wood structures such as brush trench, wattle, and post-assisted structures will be placed in the lowest areas to add roughness that helps slow flows and trap sediment. Proposed waste areas for the material are shown in the plans and described further in the Grading Discussion, below.

The design leaves some of the existing flood deposit undisturbed, as shown on sheet 10 where part of the deposit is outside of the limit-of-disturbance (LOD), and does not impact the vertical soil banks on the left side of the creek. These areas were purposely avoided to protect nesting bees that are important pollinators.

Additional limited and strategic grading will occur at several locations to better connect the channel with existing floodplain swales that are at higher elevations.

To further enhance habitat, large wood will be placed in several locations along the edge of the creek. These features will add hydraulic complexity that will help promote interaction between the creek and floodplain and creation of additional pool habitat in the creek.

Downstream Area

At the entrance into Overflow Channel F, strategic grading will occur to promote access for flows above bankfull (plan sheet 13). By lowering the connection to a bankfull elevation (maximum cut of 2 feet), the overflow area will be able to better function as intended, providing additional room for flood flows to spread out and allowing more frequent interaction of the channel and floodplain and natural processes such as deposition, infiltration, and support of a riparian plant community. Excavated material will be placed along the toe of slope of State Highway 7 (S. St. Vrain Drive) or taken to the waste areas for the Upstream Area. We will coordinate with CDOT to obtain a permit for use of the street shoulder.

In addition to this grading, random boulders for habitat are proposed in the nearby channel using material that is available on-site. They will be partially buried in the channel bed to provide habitat complexity that is lacking in this reach, as well as additional channel roughness. The habitat boulders will only be for habitat improvement at lower flows and will not impact flood flows.

It is intended for the work in this downstream area to take only a few days to construct. Grading quantities and transport distances are relatively low.

Revegetation Plan

As shown on plan sheet 22, there are two native riparian seeding zones, upper and floodplain, for our revegetation planting plan. The design also includes planting of ten shrub clusters with 15 plants each of containerized stock. The planting plan balances active seeding and planting with natural plant establishment that is anticipated in the lower parts of the graded floodplain. The planting design approach is to provide soil stability and a natural level of diversity without being overly crowded or complex. Also, we anticipate that field adjustments to the planting zones and plant placement will be necessary to best fit the restored areas. The planting plan is shown on sheets 17 to 21.

The project team will selectively harvest and transplant willow clumps to help start establishment. We have had good results transplanting willows for other design/build restoration projects along the Front Range.

Any uplands disturbance, such as staging areas, will be seeded and mulched with appropriate upland seed mix. The Watershed Center will conduct maintenance, including weed control and monitoring of vegetation, for three years.

Erosion Control

Work will take place September through November, when creek flows are low. Sediment control BMP's will be used (see plan sheets 4 to 8). Erosion control logs will be placed along the creek and at the downgradient edge of grading areas and soil stockpiles, and vehicle tracking pads will be placed at site entrances. Tracking onto the road will be monitored and cleaned if needed. Also, staging and stockpile areas will be located outside of the regulatory floodplain.

Grading Discussion

The project will balance the site work and minimize material transport as much as possible. Overall, the design team anticipates a total of approximately 7,300 cubic yards of cut material and 7,300 cubic yards of fill material. We will not import any fill material and will not export any cut material to areas outside of this project. (All fill material will be repurposed cut material.) We anticipate placing excess cut material in designated areas on- or near-site in a manner that blends with the existing topography. The designated spoil areas are represented by the proposed grading shown on plan sheets 9, 10, and 11. They will be covered with soil and reseeded. In addition to the above earthwork, we anticipate using approximately 12 cubic yards of existing on-site boulders for the random habitat boulders. Any trees on site proposed for removal will be repurposed in the installation of wood structures.

Traffic Control, Haul Routes, Access Points & Staging Areas

The main project access and staging area will be off the private road that goes to the old quarry, accessible from Old St. Vrain Road. The downstream area will be accessed from a wide part of the shoulder off State Highway 7, near the proposed work. The access points and staging areas are shown on the Existing Conditions and ESC Plan sheets (sheets 4 to 8).

Permitting in Progress

The project underwent Boulder County's Land Use Planning process and received conditional approval by the County. It has received a Nationwide 27 permit from the U.S. Army Corps of Engineers (USACE) and submitted a Biological Assessment to U.S. Fish and Wildlife Service (FWS). The project is also about to submit a floodplain development permit application to the County. Closer to construction, the project team will obtain a Colorado Department of Public Health & Environment (CDPHE) and Boulder County stormwater permits for the project.

Attachment B:
Draft Holcim Import Policy and
Media Profile Form

EXHIBIT B
Holcim-WCR, Inc.
Inert Material Acceptance Policy
General Conditions

Importing and backfilling of inert materials at Holcim -WCR mine sites requires notification to and approval by the Colorado Division of Reclamation, Mining and Safety (DRMS). In support of the required notice of intent to DRMS, an affidavit must be submitted that the material is clean and inert as defined in DRMS rules, as follows:

> "Inert Materials" means non-water-soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty days, masonry, asphalt paving fragments and other inert solids.

To assure compliance with DRMS regulations and with Holcims' environmental standards, the following general conditions shall apply to the acceptance of inert materials and the backfilling of inert materials at Aggregate Industries sites:

I. Inert Materials should not be accepted from an unknown site. Entities desiring to bring inert materials onto any Holcim site for backfilling must complete and sign an Holcim Inert Materials Profile Form.
II. All loads, or at a minimum the initial few loads being delivered, should be at least visually inspected.
    a. If Inert Materials are brought in and there is a suspicion that the material might be contaminated, such as strong odors of garbage, gasoline or other, the material should not be accepted and should not be unloaded.
    b. If other waste is observed, such as lumber, painted material, more than incidental amounts of wood, vegetation or debris, the material should not be unloaded.
II. If unloaded, contaminated material will have to be picked up and sent to a landfill or back to the generator.
    a. If the contaminated materials were unloaded, then reloaded to be sent back to the generator, the generator must be notified. Simply loading the contaminated material and dumping at the site of generation without notification could be considered illegal disposal by Aggregate Industries if there has not been an agreement to take the materials back.
    b. Unless contaminated materials are easy to visually identify, soil samples will have to be taken to document that all contamination is removed and the receiving site is clean.
III. A record of the quantity of material brought in (tons/yards)/number of loads delivered must be recorded.
IV. Concrete must have been in a hardened state for at least sixty (60) days prior to placing in a fill area.
V. Asphalt must be placed a minimum of three (3) feet above the groundwater table.

GENERATOR'S ENVIRONMENTAL MEDIA PROFILE SHEET

Corporate Office:
1687 Cole Blvd, Suite 300
Golden, CO 80401

Fill Site Location:
1605 Old South St. Vrain Road
Lyons, CO

Instructions:
Please answer each question as completely as possible. The Generator or Authorized Representative must sign the form. If the media changes or future analyses differ from what was submitted, Holcim must be notified within 24 hours. Please submit forms to wyatt.webster@holcim.com for review and approval at least 72 hours prior to anticipated haul.

A.) GENERATOR INFORMATION:

Generator Name: The Watershed Center for Boulder County Parks & Open Space

Contact Person: Ernst Strenge Title: Senior Planner

Email: estrenge@bouldercounty.gov Telephone: 303-678-6269

Address: 5201 St. Vrain Road, Longmont, CO 80503

B.) ENVIRONMENTAL MEDIA INFORMATION:

Environmental Media Location:	Describe the business at this location, including primary products or services:
1605 Old St. Vrain Road, Lyons, CO *Material will be from site approximately 0.5 miles downstream of Lyons Quarry, which both occur on Boulder County's Hall Ranch 2 Open Space property*	*Boulder County Open Space*

Process – Give a brief description of the process by which this media was generated:

Boulder County Parks & Open Space (BCPOS) is finalizing a creek restoration design along a 0.7-mile reach of South St. Vrain Creek within the floodplain adjacent to Lyons Quarry, a portion of which will be within DRMS permit M-1977-141. The tentative plan is to construct the project in the next 2 – 3 years pending funding, permitting, and the status of the Lyons Quarry reclamation. As part of the design process, BCPOS's consulting engineers have identified the need for additional coarse cobble materials (D16 and greater) for the restoration project, which will help to stabilize the creek bed.

The material will come from a creek restoration project located approximately 0.5 miles downstream of Lyons Quarry. This project is being led by The Watershed Center (TWC), a local non-profit watershed organization. TWC will be removing materials that were deposited in the floodplain by the 2013 flood, as well as other improvements that will make the creek more resilient to future flood events. The project will have up to 7000 cubic yards of excess material comprised of cobble and sand that TWC was planning to "waste" in the uplands surrounding their project. TWC has agreed to provide this material to BCPOS.

The material will be screened with a 2-inch grizzly to ensure the material meets the D16 requirement (2-inch diameter and greater) and will haul the material to the site. The material will be stockpiled within the

Lyons Quarry staging area until BCPOS implements their creek restoration project, tentatively scheduled for fall 2026, pending funding, permitting, and coordination with Holcim and DRMS.
Estimated Quantity (tons, cubic yards): *Up to 7000 cubic yards, though actual amounts may be less than 5000 cubic yards*
Assumed Delivery Dates: Start: *February 1, 2025* Finish: *December 31, 2025*
Shipping Method (truck type and size): Type: *tandem trucks* Size: *18 cubic yards*

C.) REGULATORY QUESTIONS:

1. Does media contain a hazardous waste as defined by 40 CFR Part 261?

☐ Yes X No

2. Is the media from an underground storage tank (UST) corrective action plan under 40 CFR Part 280?

☐ Yes X No

3. Is the media from any of the following? CERCLA Project, In response to a Compliance Order, Hazardous waste in another state, or Subject to Land Disposal Restrictions

☐ Yes X No

D.) GENERATOR CERTIFICATION:

I hereby attest under penalty of perjury that:

- I am the Generator (or authorized by the Generator identified herein to provide the information submitted in this form and any attached documents and to enter into this Agreement on the Generator's behalf).

- I completely investigated all matters relevant to completion of this form and based on this investigation attest that no hazardous waste codes are associated with this media.

- If laboratory analysis was used to evaluate this media, the analysis was performed on a representative sample of the media in accordance with 6CCR 1007-3 Section 261.20(c).

- All applicable information concerning the media has been provided in this and the attached documents. Such information is complete and accurate and all known or suspected hazardous constituents/characteristics or safety hazards associated with the media have been disclosed herein.

- I understand that the media will be subject to random sampling and analyses, and conditions that any media non-conforming will be rejected and/or returned to the Generator. Generator is liable for expenses related to transportation, storage, handling, and disposal of any returned non-conforming media.

Generator Name: _Ernst Strenge____ Signature: 

Title:__Boulder County Parks & Open Space Senior Planner___ Date:____January 30, 2025_

Attachment C:

Lyons Quarry M-1977-141

Technical Revision #3 Notice

COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

RECEIVED

JUN 28 2018

DIVISION OF RECLAMATION MINING AND SAFETY

REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- 1977-141 Site Name: Lyons Quarry

County Boulder TR# *(DRMS Use only)*

Permittee: Aggregate Industries - WCR, Inc.

Operator (If Other than Permittee): n/a

Permittee Representative: Joel Bolduc

M-1977-141 TR03
COMPLIED!
NO PRIOR VIOLATIONS!
ame, mac

Please provide a brief description of the proposed revision:

Import and placement of fill material from Resilient St. Vrain Project. See attached documents.

As defined by the Minerals Rules, a Technical Revision (TR) is: "a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan." The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered "filed for review" until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

Permit Type	**Required TR Fee**	**Submitted** (mark only one)
110c, 111, 112 construction materials, and 112 quarries	$216	☑
112 hard rock (not DMO)	$175	☐
110d, 112d(1, 2 or 3)	$1006	☐

Mountain Region

AGGREGATE INDUSTRIES

1687 Cole Boulevard
Suite 300
Golden, CO 80401

Phone: 303-985-1070
Fax: 303-716-5299
www.aggregate-us.com

June 25, 2018

Mr. Amy Eschberger
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Notice of Material Imported for Backfill, Permit No. M-1977-141 – Lyons Quarry

Dear Ms. Eschberger:

In accordance with Construction Material Rule 3.1.5(9), the following is provided in support of this Notice:

(a) Inert fill material was/will be obtained, primarily from the Resilient St. Vrain Restoration Project downstream of the Lyons Quarry. This material is riverbed material excavated to increase the ability of the floodplain to handle flood events without causing damage to nearby properties. The off-site material is accepted in accordance with Aggregate Industry's "Inert Material Acceptance Policy" a copy of which is enclosed. This material will be incorporated into the reclamation of the quarry operated under MLRB 112c Permit No. M-1977-141, located at 1605 Old St. Vrain Rd, Lyons, Colorado in Boulder County. RMC Consultants completed the initial work for Boulder County.

(b) The volume of inert material imported and backfilled as set forth in (a) above was a total 29,405 cubic yards. This included 27,522 cubic yards of material from Resilient St Vrain Project placed Aug-Oct 2017 and 1,883 cubic yards of material from access road to quarry placed May 2018. An additional 200,000 cy may be imported as further reaches of the St Vrain project are completed.

(c) Enclosed is the agreement (Exhibit 2) between Aggregate Industries and Boulder County including an affidavit certifying that the material imported was clean and inert, as defined in Rule 1.1(20). Additional affidavits will be submitted as needed.

(d) Importing of fill material started in August 2017 and may continue into 2019.

(e) The imported material was placed in the West Fill Area of the quarry as shown in Exhibit 1. Future fill material, if any, will be placed in the East Fill Area of the quarry.

(f) The material was placed and stabilized in accordance with the approved reclamation plan. In general material was dumped, spread out in lifts that did not exceed three feet and run over with tracked vehicle to eliminate void spaces. Compaction testing was completed by Cesare, Inc. in Centennial, Colorado. Records available upon request.

If you have any questions regarding this notice please contact me at (719) 239-0974.

Very truly yours,

Joel Bolduc
Regional Land and Environment Manager

Encl:
Exhibit 1
Exhibit 2

Exhibit 1 – Map

Aggregate Industries – Lyons Quarrry

1605 Old Saint Vrain Road, Lyons, Colorado

Boulder County

Parks and Open Space

5201 St. Vrain Road • Longmont, Colorado 80503
303.678.6200 • Fax: 303.678.6177 • **www.bouldercounty.org**

June 16, 2017

IMPORT MATERIAL AND FILL AGREEMENT

Re: Use of Lyons Quarry for Disposal of Material from South St. Vrain Creek Restoration Project

This Agreement (the "Agreement") is made and entered into effective the 21st day of June, 2017, between Aggregate Industries-WCR, Inc. ("Aggregate"), with its principal place of business located at 1687 Cole Boulevard, Suite 300, Golden, CO 80401; and County of Boulder, a body corporate and politic, acting through Boulder County Parks and Open Space ("Boulder County") located at 5201 St. Vrain Road, Longmont, CO 80503.

WHEREAS, Aggregate is the Operator under Colorado Division of Reclamation, Mining and Safety (DRMS) Permit No. M-1977-141 – Lyons Quarry, located adjacent to South St. Vrain Creek in Boulder County.

WHEREAS, Boulder County is the owner of the property upon which the Lyons Quarry is located.

WHEREAS, Aggregate has completed its mining of the Lyons Quarry, but has an obligation to complete reclamation of the site to comply with its mining permit.

WHEREAS, Boulder County has completed a design for an emergency watershed protection ("EWP") project on an approximately 1.2 mile section of South St. Vrain Creek, which begins approximately ¾ of a mile downstream of the Lyons Quarry. The EWP project will involve restoration of the floodplain and stream channel. The county has contracted with RMC Consultants to complete the work, and the project will begin in June or July of 2017 and be completed by early 2018.

WHEREAS, the EWP project will result in the generation of tens of thousands of cubic yards of material (mostly cobble and sand deposited during the 2013 flood) that needs to be removed from the creek's floodplain.

WHEREAS, Aggregate is willing and interested in having the excess cut material from the Boulder County's EWP project deposited in the Lyons Quarry and incorporated into the reclamation of the site.

NOW, THEREFORE, in consideration of the mutual covenants, undertakings and agreements herein contained, and other valuable considerations, the receipt of which is hereby acknowledged, Aggregate and Boulder County covenant and agree as follows:

1. Boulder County will deliver, free of charge, approximately 48,000 cubic yards of clean, inert fill material from the EWP project to the Lyons Quarry and place it outside of the floodplain and within the limits and slopes as set forth in Figure 1 attached hereto as Exhibit A.
2. Aggregate agrees to accept, free of charge, the clean, inert fill material in accordance with its Inert Material Acceptance Policy, a copy of which is attached hereto as Exhibit B.
3. Boulder County will complete and submit to Aggregate the Inert Materials Profile and Affidavit form as referenced in the Inert Material Acceptance policy. A copy of the form is attached hereto as Exhibit C.

4. Aggregate will prepare and submit an Inert Fill Notice and the Inert Materials Profile and Affidavit provided by Boulder County to DRMS as required under Aggregate's Permit.

5. Boulder County will be responsible for any other required permits associated with the imported fill and fill placement.

6. Aggregate will provide to Boulder County design specifications, grading plan and earthwork specifications associated with the EWP fill and placement area set forth in Figure 1.

7. Boulder County will be responsible for and pay the costs of all labor, equipment and materials required to place the imported materials in an engineered, quality controlled, and stable embankment fill as set forth below:
    a. Fill materials, placement methods, and placement geometry must not impact the fill placement, stability, or performance of the Permit approved reclamation plan slopes.
    b. *Fill Placement.* The final in place fill shall meet the reclamation plan specifications regarding material type, gradation, moisture content, compaction, horizontal lift placement, and maximum lift thickness as follows:
        i. Material Type – ASTM Classifications of SW, SP, SC, SM, SC-SM, GW, GP, GC, GM, and GC-GM.
        ii. Gradation – Graded uniformly and continuously from boulder size to silt size, maximum particle size equal to two-thirds of the lift thickness, maximum 45 percent fines in the minus 3-inch fraction.
        iii. Moisture Content – Within 3 percent of optimum based on ASTM D698.
        iv. Minimum Compaction – Greater than 90 percent of the maximum dry density based on ASTM D698.
        v. Fill should be placed in horizontal lifts not to exceed 2 feet thick. Compaction requirements depend on the lift thickness and the compaction equipment used for compaction. Adequate compaction should be achievable by tracking with a dozer or the routing of construction equipment traffic, provided material characteristics, moisture content and lift thickness are appropriate.
    c. Boulder County will perform and document Quality Assurance/Quality Control (QA/QC) associated with its placement of the fill adjacent to existing pit walls and fills slopes, and provide copies of such documentation to Aggregate.
    d. *Fill Slope Geometry.* The final in place fill slopes, bench heights, and overall heights should be limited as follows:
        i. Bench Slope Angle 26.6 degrees or 2H:1V
        ii. Maximum Bench Height 50 feet
        iii. Minimum Bench Width 15 feet
        iv. Maximum Overall Slope Height 150 feet

8. Boulder County shall require all of its employees, agents, contractors and subcontractors to provide all necessary and proper safety supervision of individuals who enter the Premises and act upon Boulder County's behalf, and Aggregate shall not be responsible for the safety of any such individuals.

9. City and its employees, agents, contractors and subcontractors shall comply with all necessary MSHA and/or OSHA safety training and documentary requirements as determined by Aggregate, including, but not limited to:

    a. Training i.e. task specific, CPR/First Aid
    b. Lone Workers

c. Vehicle safety i.e. parking brakes, warning horns, back up alarms (if needed), pre-shift safety inspections
d. Working near water - Life Vests
e. Communication
f. Emergency plan

10. To the extent permitted by law, Boulder County shall protect, defend, indemnify and hold Aggregate, its officers, agents, and employees harmless from and against any and all actions, demands, claims, liabilities, expenses, liens, damages, or costs caused by, resulting from, arising out of, or occurring in connection with the fill material, fill placement and/or the entry or presence of Boulder County, its affiliates, employees, agents, contractors, and/or subcontractors on the Premises or incidental to or appertaining thereto.

11. Boulder County acknowledges potential impacts on future reclamation plans related to limited areas accessible for placement of excess fill materials potentially generated during reclamation.

If Aggregate Industries agrees to accept this material, this letter agreement will continue to be in force until Boulder County's EWP project in the vicinity of the Lyons Quarry is complete (estimated to be January 2018) but either party may cancel this letter agreement by providing 90 days advance written notice to the other party. Once there is agreement in principle about Boulder County providing fill material to Aggregate Industries, the parties can work out logistics about delivery schedules, Aggregate Industries' preferences related to notice of upcoming deliveries and locations where fill will be deposited, as well as any other operational issues.

The County of Boulder, a body corporate and politic

By: _____

Ernst Strenge, Resource Planning Manager
Boulder County Parks and Open Space
303-678-6269
estrenge@bouldercounty.org

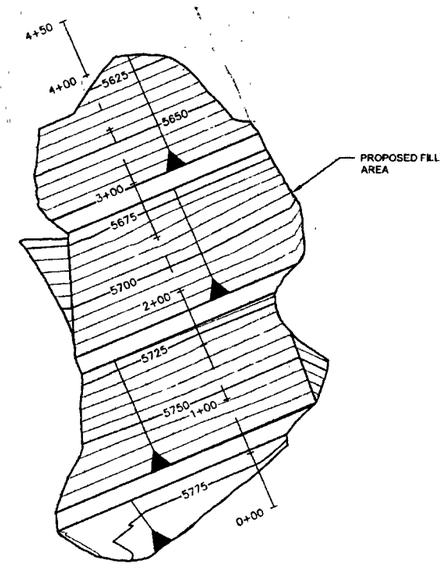
Aggregate Industries

By: John Conlin (name/title)
General Manager
Mountain Region

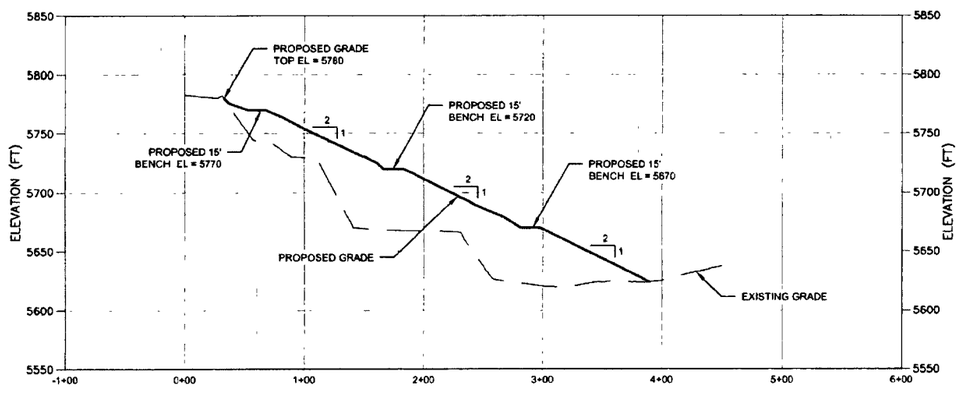
Date: 06-27-17

cc: Conrad Lattes, Boulder County Attorney's Office

EXHIBIT A



PLAN



PROFILE

N

60 30 0 60 120
SCALE IN FEET

Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
VOL - BOULDER COUNTY FILL	**1.000**	**1.000**	72047.72 Sq. Ft.	0.14 Cu. Yd.	81254.86 Cu. Yd.	81254.72 Cu. Yd.<Fill>
Totals			72047.72 Sq. Ft.	0.14 Cu. Yd.	81254.86 Cu. Yd.	81254.72 Cu. Yd.<Fill>

HDR

AGGREGATE INDUSTRIES
LYONS QUARRY

RECLAMATION PROJECT

DATE
MAY 2017

FIGURE
1

EXHIBIT B

Aggregate Industries-WCR, Inc.
Inert Material Acceptance Policy
General Conditions

Importing and backfilling of inert materials at Aggregate Industries-WCR mine sites requires notification to and approval by the Colorado Division of Reclamation, Mining and Safety (DRMS). In support of the required notice of intent to DRMS, an affidavit must be submitted that the material is clean and inert as defined in DRMS rules, as follows:

> "Inert Materials" means non-water-soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at leas sixty days, masonry, asphalt paving fragments and other inert solids.

To assure compliance with DRMS regulations and with Aggregate Industries' environmental standards, the following general conditions shall apply to the acceptance of inert materials and the backfilling of inert materials at Aggregate Industries sites:

I. Inert Materials should not be accepted from an unknown site. Entities desiring to bring inert materials onto any Aggregate Industries site for backfilling must complete and sign an Aggregate Industries Inert Materials Profile Form.

II. All loads, or at a minimum the initial few loads being delivered, should be at least visually inspected.
   a. If Inert Materials are brought in and there is a suspicion that the material might be contaminated, such as strong odors of garbage, gasoline or other, the material should not be accepted and should not be unloaded.
   b. If other waste is observed, such as lumber, painted material, more than incidental amounts of wood, vegetation or debris, the material should not be unloaded.

II. If unloaded, contaminated material will have to be picked up and sent to a landfill or back to the generator.
   a. If the contaminated materials were unloaded, then reloaded to be sent back to the generator, the generator must be notified. Simply loading the contaminated material and dumping at the site of generation without notification could be considered illegal disposal by Aggregate Industries if there has not been an agreement to take the materials back.
   b. Unless contaminated materials are easy to visually identify, soil samples will have to be taken to document that all contamination is removed and the receiving site is clean.

III. A record of the quantity of material brought in (tons/yards)/number of loads delivered must be recorded.

IV. Concrete must have been in a hardened state for at least sixty (60) days prior to placing in a fill area.

V. Asphalt must be placed a minimum of three (3) feet above the groundwater table.

EXHIBIT C

AGGREGATE
INDUSTRIES

INERT FILL MATERIALS
PROFILE FORM

Aggregate Industries
Lyons Quarry-Permit No. M-1977-141
Boulder County, CO

This Aggregate Industries site accepts inert fill materials including, but not limited to, earth, sand, gravel, rock, concrete, masonry, asphalt and other inert solids for backfill material. Aggregate Industries reserves the right to refuse any load upon suspicion that the material might be contaminated or if it contains more than an incidental amount of wood, vegetation or debris. All information on this form must be completed and the generator certification signed.

CUSTOMER INFORMATION

Company Name: Boulder County Parks and Open Space

Address: 5201 St. Vrain Road, Longmont CO 80503

Contact Name and Telephone: Ernst Strenge, 303-678-6269

GENERATOR INFORMATION

Company Name: Boulder County Parks and Open Space

Address: 5201 St. Vrain Road, Longmont CO 80503

Contact Name and Telephone: Ernst Strenge, 303-678-6269

TRANSPORTER INFORMATION

Company Name: RMC Consultants

Address: 12295 W. 48th Ave, Wheat Ridge, CO 80033

Contact Name and Telephone: Claude Murray, 303-980-4101

INERT FILL MATERIAL INFORMATION

Name of Inert Fill Material Generation Site/Project: South St. Vrain Creek Restoration project at Hall Ranch.

Material Generation Site Address : Parcels 120124000004, 120124000005, 120124000006, 120319000006, 120319000016, 120319000026, 120319005001, located at S St Vrain Creek through Hall Meadows Open Space between the Andesite Bridge at Old St Vrain Road and 1/4 mile upstream of the Town of Lyons, in Sections 19 and 24, T3N, R70W and R71W.

Contact Name and Telephone: Ernst Strenge, 303-678-6269

Material Description (concrete, soil, brick, block, rocks, asphaltic pavement, other)

2013 flood deposited soil.

Type of business or activities at material generation site: Flood recovery project

Known, suspected or potential contamination: None

Estimated quantity (tons, yards): 45000 CY

Delivery dates (start to finish): Start: 7/10/2017 Finish: 10/10/2017

Shipping method (truck type/size): Type: John Deere 300 D, Size: 20 CY

GENERATOR AFFIDAVIT, CERTIFICATION AND INDEMNIFICATION STATEMENT

The undersigned Affiant certifies that the information contained in and attached to this profile is accurate and complete to the best of his/her knowledge, that fill materials to be delivered to this Aggregate Industries site are clean and inert and that there are no known materials that would significantly affect the inert nature of the fill materials, nor are there any acid forming materials or toxic producing materials in said fill materials. Furthermore, by signing this Statement, the undersigned shall, to the extent permitted by law, indemnify and hold harmless Aggregate Industries in the event it should be determined that any material provided to Aggregate Industries is contaminated with any regulated pollutant and/or poses environmental harm. The undersigned shall, to the extent permitted by law, assume all liability and costs associated with the removal, disposal and negative impacts of any contaminated material provided to Aggregate Industries.

Signed this 21 day of June, 2017.

Name and Company: Boulder County Parks and Open Space

Signature

Interim Resource Planning Manager
Title

STATE OF COLORADO)
) ss.
County of BOULDER)

Subscribed and sworn to this 21 day of JUNE, 2017 by ERNST STAENGE, as INTERIM RESOURCE PLANNING MANAGER, of BOULDER COUNTY PARKS + OPEN SPACE.

Witness my hand and official seal.

ERIK WELCH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20124006290
MY COMMISSION EXPIRES FEBRUARY 14, 2020

(SEAL)

Notary Public

My Commission expires: 2/14/2020