



STATE OF
COLORADO

Girardi - DNR, Chris <chris.girardi@state.co.us>

Farmers Sand/Milton Reservoir M2024057- Adequacy Review #3

1 message

Girardi - DNR, Chris <chris.girardi@state.co.us>

Wed, May 21, 2025 at 12:30 PM

To: scott <scott@farmersres.com>

Cc: Jared Ebert - DNR <jared.ebert@state.co.us>, Shelly Hoover <Rochelle@erccolorado.net>, Lisa Shea <Lisa@erccolorado.net>, Troy Thompson <Troy@erccolorado.net>

Hello Mr. Edgar,

Attached to this email is the Division's Adequacy Review #3 letter for the Farmers Sand/Milton Reservoir permit application, project number M-2024-057.

A hard copy will not be sent unless requested. Please feel free to contact me if you have any questions or concerns.

Sincerely,

Chris Girardi

Environmental Protection Specialist Intern



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

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FarmersSandMiltonRes_AdequacyReview3.pdf
297K



May 21, 2025

Scott Edgar
The Farmers Reservoir and Irrigation Company
80 South 27th Avenue
Brighton, CO 80601

Re: Farmers Sand, File No. M-2024-057
Receipt of 112c Construction Materials
Adequacy Review #3

Dear Scott Edgar:

On November 12, 2024, the Division of Reclamation, Mining and Safety (“Division” or “Office”) received your 112c Construction Materials Reclamation Permit Application Package for the Farmers Sand, File No. M-2024-057. The Application was deemed complete on December 16, 2024. The Division sent a Preliminary Adequacy Review Letter on February 4, 2025, and received a response from the Applicant on April 10, 2025. The Division sent an Adequacy Review #2 Letter on May 7, 2025, and received a response from the Applicant on May 9, 2025. Based on review of the material submitted, the Division has identified the following items that must be addressed before the application can be approved. Please submit a cover letter responding to each of the items listed below. Please submit revised Exhibits as necessary.

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

1. All the significant and permanent man-made structures have not been identified and depicted on the Exhibit C(g) map. Please update the Exhibit C(g) map to show the owner’s name of the significant, valuable, and permanent man-made structures within 200 feet of the affected area. Further clarification regarding structures not sufficiently identified in the C(g) map is given in Item #55.
 - a. **FRICO Response:** All significant and permanent man-made structures within 200-feet of the revised affected area consists of the following and are identified on Exhibit C(g), Sheets 1 thru 3.
 - b. **DRMS Response:** The owners of the pipelines are not shown on the map. Also, the Platte Valley Canal Maintenance Road, Beebe Seep Canal, Beebe Seep Canal Maintenance Road and the Evans #2 Ditch roads are not shown/labeled on the Exhibit C(g) Map. Please revise the maps accordingly.



- c. **FRICO Response:** The revised Exhibit C(g) Maps are included in attached Exhibit C.
- d. **DRMS Response:** The revised Exhibit C(g) Maps do not include the maintenance roads for Platte Valley Canal, Beebe Seep Canal, and the Evans #2 Ditch. Please revise accordingly.

Rule 6.4.4- Exhibit D- Mining Plan:

- 2. Please provide a sampling, analysis and reporting plan to evaluate the dredged material at an adequate frequency during the life of the operation to ensure the physical and chemical properties are not substantially changing over time.
 - a. **FRICO Response:** Direct bulk samples will be collected and analyzed monthly from the discharge point of the cyclone separator (the presumed 'point of compliance'). This sandy slurry will be analyzed by EPA Method 6020-SPLP for Total and Dissolved Metals, Method 8260-SPLP for VOCs, and Method 160.1 for TDS. Additionally, Method 8270-SPLP will be employed quarterly to analyze for SVOCs. Should any analytical results, from any sampling event, exceed the Standards as shown in Table 3 from 5CCR 1002-41 (CDPHE Regulation 41), the DRMS will be notified and additional investigation into the potential surface water impacts will be evaluated. Alternate or additional 'points of compliance' may be warranted in that event.
 - b. **DRMS Response:** Please clarify how reporting will be handled. The Division proposes analytical results be submitted quarterly, in addition to immediate notification by FRICO to the Division if any exceedances from CDPHE Regulation 41 are detected.
 - c. **FRICO Response:** Direct bulk samples will be collected and analyzed monthly from the discharge point of the cyclone separator (the presumed 'point of compliance'). This sandy slurry will be analyzed by EPA Method 6020-SPLP for Total and Dissolved Metals, Method 8260-SPLP for VOCs, and Method 160.1 for TDS. Additionally, Method 8270-SPLP will be employed quarterly to analyze SVOCs. Quarterly laboratory results will be summarized, and data provided by January 15, April 15, July 15, and October 15 each year. Should any analytical results, from any sampling event, exceed the Standards as shown in Table 3 from 5CCR 1002-41 (CDPHE Regulation 41), the DRMS will be notified.
 - d. **DRMS Response:** Please update the Exhibit D Mining Plan narrative to include the sampling and reporting plan.

3. The Division notes that if Lake Christina or “Christina Pond” is to be used as a settling pond as alluded to on Page 11, then Lake Christina is required to be included in the permit and affected area. This area would have to be added to the mining and reclamation plan and affected area through an Amendment to the application. If Lake Christina will not be utilized as a settling pond or for further clarification, then please revise page 11 accordingly. If water affected by the operation is discharged into Lake Christina, please provide documentation of authorization from the owner of the lake for this activity and please indicate if this is an approved discharge point through CDPHE.
- a. **FRICO Response:** The mining plan has been changed, Lake Christina will not be used as a settling pond. In addition, water affected by the mining operation will not be discharged into Lake Christina. All water affected by the mining operation will be discharged into Milton Reservoir under the approved CDPHE Discharge Permit Certification Numbers: COR414592, COR418738, and COR 419504. Exhibits (e.g. maps and drawings) and the Mining Plan have been revised accordingly. In addition, the Affected Area and Permit Area boundaries have been revised on the applicable Exhibits (e.g. maps, drawings).
 - b. **DRMS Response:** During the pre-operational inspection conducted by the Division on March 24, 2025, the Division observed stockpiles of sediment that had been excavated from Lake Christina that had been transported to an area adjacent to the east side of Platte Valley Canal within the permit area. Please update Drawing 06 in the mining plan to account for the stockpiled material. In addition, please clarify how the area will be reclaimed and update the Reclamation Plan and Maps accordingly.
 - c. **FRICO Response:** This stockpile area will be reclaimed the same as the other stockpile areas where the slopes will be developed with an overall angle of 3H:1V as the final configuration, resulting in a roughly graded outer surface. Additional grading will be completed as needed to establish more uniform contours that align with the existing topography. Once the slopes have been graded, they will be scarified in preparation for seeding and mulching in accordance with the Reclamation Plan. The revised Reclamation Plan and Drawings R-1, R-2A, and R-2B are included in attached Exhibits E and F, respectively.
 - d. **DRMS Response:** The Reclamation Plan has not been revised to include discussion of this area, please revise. In addition, the Reclamation Plan states that approximately 379 acres will be revegetated. Please clarify if this number includes the Lake Christina sediment stockpile area.

Rule 6.4.7- Exhibit G- Water Information:

4. Please update the Storm Water Control Permits section to account for a Colorado Department of Public Health & Environment (CDPHE) COG500000 discharge permit for industrial stormwater and/or process water permit application. See more information in Item #8.

Rule 6.4.12- Exhibit L- Reclamation Costs:

5. The Applicant includes Items #7 and #9 for the future sand plant reclamation yet indicated that specific designs and reclamation costs for the sand plant will be provided during submittal of a Technical Revision (TR) for the sand plant. When Technical Revisions are submitted for review, the Division has the opportunity to evaluate the financial warranty and issue a Surety Increase accordingly if the reclamation liability increases. Therefore, the Division recommends revising this exhibit to remove reclamation costs for the future sand plant operation at this time.
6. For Item #1, Mob, please provide additional information and clarification of how this cost was determined.
7. Please provide dimensions for the conex box, construction trailer, 8,000-gallon fuel tank, and slurry mixing tank.

Rule 6.4.13- Exhibit M- Other Permits and Licenses:

8. On May 15, 2025, the Division received a Compliance Advisory Letter from CDPHE, indicating that the currently held certifications COR414592, COR418738, and COR419504 under the CDPS General Permit COR400000 for stormwater discharge do not authorize industrial stormwater and/or process water discharges associated with sand and gravel mining and/or processing. CDPHE has mandated that FRICO submit a COG500000 Permit Application within 30 calendar days from May 15, 2025. Please update Exhibit M to include a statement indicating the Applicant is seeking a COG500000 Permit to discharge industrial stormwater and/or process water.

Rule 6.4.14- Exhibit N- Source of Legal Right to Enter:

9. Please provide documentation for Legal Right to Enter for Farmers Reservoir and

Irrigation Company to parcels owned by REI LLC for their respective parcels.

- a. **FRICO Response:** FRICO's Legal Right to Enter the parcels owned by REI LLC is provided in Exhibit N, document titled 220705 Property Lease and Reclamation Agreement. The mining operations (e.g. stockpiles, settling ponds, and haul roads) will be located on REI parcel numbers 121303301004, 121304000038, 121309000026, 121310000007, 121310000009, 121310000029, 121310001002, and 121315000010. These parcels are depicted in Exhibit N, Sheets 1 thru 3.
- b. **DRMS Response:** The 220705 Property Lease and Reclamation Agreement provided does not indicate Legal Right of Entry for REI parcel numbers 121309000026, 121310000007, 121310000009, and 121315000010. Please provide it.
- c. **FRICO Response:** The REI and FRICO lease agreement is included in attached Exhibit N.
- d. **DRMS Response:** Attachment 1: Project Map, does not include REI parcel numbers 121309000026 and 121310000009. Please clarify.

Rule 6.4.19- Exhibit S- Permanent Man-made Structures:

10. Please provide copies if a structure agreement was obtained with Beebe Draw Farms Authority. If the Applicant is unable to obtain a structure agreement, then an engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation can be used instead pursuant to Rule 6.4.19(b). The Applicant provided a Geotechnical Stability Exhibit in the initial application, which the Division determined meets the requirements of Rule 6.5. However, please provide any evidence of attempts made to obtain a structure agreement with Beebe Draw Farms Authority if the Applicant was unable to obtain one.

Rule 6.4.18- Exhibit R- Proof of Filing with County Clerk and Recorder:

11. In accordance with Rule 1.6.2(1)(c), any changes to the application must be reflected in the public review copy which was placed with the Weld County Clerk and Recorder. In accordance with Rule 6.4.18, please provide our office with an affidavit or receipt indicating the date the revised application pages were placed with the Weld County Clerk and Recorder.

This concludes the Division's third adequacy review of the permit application package. This letter shall not be construed to mean that there are no other adequacy deficiencies in the

application package. Please note the Division is required to issue a recommendation regarding the application on **June 15, 2025**. 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 the application. Please provide a cover letter that addresses each adequacy item noted above as well as revised exhibits and maps if necessary. Please provide a response at least two weeks prior to the decision date noted above. Please be aware that the Division will recommend denial of the application if outstanding adequacy issues remain when the decision date arrives and/or inadequate time is provided for the Division to review the response to the adequacy issues.

If you have any questions, please contact me by telephone at (720) 793-3041, or by email at chris.girardi@state.co.us.

Sincerely,



Chris M. Girardi
Environmental Protection Specialist Intern

CC: Jared Ebert, DRMS
Shelly Hoover, Ecological Resources Consultants, LLC
Lisa Shea, Ecological Resources Consultants, LLC