

STATE OF
COLORADO

Reilley - DNR, Robin <robin.reilley@state.co.us>

Adequacy #2 Groundwater

1 message

Reilley - DNR, Robin <robin.reilley@state.co.us>

Fri, May 30, 2025 at 3:37 PM

To: Ben Langenfeld <benl@lewicki.biz>, Robin Reilley - DNR <robin.reilley@state.co.us>

Good Afternoon Ben,

I've enclosed various groundwater guidance documents as the application indicated groundwater exposure. DRMS has updated processes for GW exposure and these were not anticipated in the Kattenberg Permit. In order to bring the permit and the TR application in compliance with the new rules I have enclosed additional adequacy questions specific to groundwater exposure.

Tha said, an extension of the decision date will be necessary.

Please review the enclosures. DRMS is happy to discuss and clarify any questions that you have.

Thank you

Robin Reilley, M.S. GISP
Environmental Protection Specialist II

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5 attachments

-  **Groundwater Monitoring_Sampling and Analysis Plan Guidance.pdf**
259K
-  **GW Monitoring and Protection Technical Bulletin - FINAL - 11-19-2019 (1).pdf**
351K
-  **DRMS_Revised Exposed Groundwater Policy Rev-2025-03-27_FINAL.pdf**
286K
-  **Kattenberg Pitt M2004017_ADQ1ResponseReview.pdf**
153K
-  **Kattenberg Pitt M2004017_ADQ2_GW.pdf**
176K



Ben Laganfeld
Lewicki and Associates

30 May 2025

RE: Kattenberg Pit M2004017
RMS Adequacy Review#2 Groundwater TR2

The Division has completed its preliminary review of Kattenberg Pit Technical Revision No. 2, TR2 received by the Division on 8 April 2025 via electronic submission. DRMS found the proposed revision complete on 21 April 2025. The proposed decision due date is 5 June 2025. Due to the fact that this set of adequacy question specific to groundwater are required please request an extension of the 5 June proposed decision date.

DRMS found that the M2004017 permit is deficient in its consideration of groundwater. DRMS finds this understandable given the 2004 date of the permit. However, with the exposure of groundwater anticipated with this TR these deficiencies must be brought up to date. DRMS has attached several pertinent documents for your perusal with respect to DRMS's updated groundwater protection requirements.

DRMS May 2025

DRMS 30 May 2025

C.R.S. 34-32, C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6(1) Groundwater Exposure

It appears that 0.1 acre feet of groundwater will be exposed during the operation. Per the above regulations mining and reclamation plan s and permits must be protective of water rights and resources and the financial warranty must be adequate to complete reclamation including the protection of water resources. This includes requiring groundwater monitoring throughout the life of mine to demonstrate compliance protective of the hydrologic balance. DRMS notes a 2015 *Stormwater Management Plan*. DRMS also notes a letter from the Division of Water Resources for approval of a *Substitute Water Supply Plan (SWSP)*, The SWSP is stated to be valid I June 2-024 thorough 31 May 2025. Net depletions are anticipated to be 3.94 acre feet/ year and net evaporation predicted to be approximately 0.21 acre feet/year. Water lost from product is also an issue. Any product mined above and below groundwater table will have separate moisture loss coefficients and the two categories must be tracked by the operator as per the 2024 letter from Wright Water Engineers, Inc. *Substitute Water Supply Plan*. Other than the SWSP the permit appears deficient in its consideration of groundwater. Per Division rules the following requirements and options are available to you:

- File a financial warranty ensuring backfilling of the pit to cover exposed groundwater to a depth of two feet above the static ground water level.



- Provide documentation of compliance with §37-90-137(11).
- As per an SWSP, procure a ground water well permit allowing exposure or temporary exposure of groundwater.
- Obtain a court approved augmentation plan prior to exposing ground water.

DRMS 28 May 2025

Rule 6.4.4 Exhibit D

Please provide additional information and supporting evidence regarding the geology as follows:

1. Depth of gravel throughout the pit area or results of exploration drilling.

Rule 6.4.7 Exhibit G Water Information

The hydrogeology at the site is not well characterized in the application material.

2. Additional characterization is needed to describe the hydrogeology of the site and establish baseline conditions such as
 - a. elevations for the wells cited and shown on the map.
 - b. saturation of the unconsolidated material to be mined,
 - c. any underlying aquifers,
 - d. project a water table or a potentiometric surface.
3. Please discuss the spring mentioned in Exhibit D and locate it on the appropriate map. Include discharge rate and water quality information in the discussion.
4. Is there an approved *Substitute Water Supply Plan* from The Division of Water Resources (DWR) in place? If so please provide the pertinent information from DWR.

DRMS notes that the applicant acknowledges a well permit is needed before groundwater is exposed. DRMS understands that well permit no. 88170- F has been issued to construct a well, and will expire on June 8, 2025, unless the well is constructed and the pump installed prior to expiration of the permit.

5. Please provide additional information regarding this well.
6. It appears in the application that a gravel well permit will be procured. This permit must be provided to DRMS prior to beginning work associated with this TR (TR2).
7. Please provide a proposed groundwater monitoring plan consistent with the Division's *Groundwater Monitoring: Sampling and Analysis Plan Guidance Construction Materials and Hard Rock Sites* (July 2024). A copy has been attached for your reference. The proposed plan should include the analyte list found in Appendix A of the guidance document. A monitoring plan sufficient to verify the predictions of hydrologic impacts should be proposed.
8. How will the operator track product mined above and below groundwater table as per the 2024 letter from Wright Water Engineers, Inc. *Substitute Water Supply Plan*.
9. How will the project continue after the expiration of the SWSP in May of 2026.

9. 10. What is the status of well permit no. 88170- F.
11. Please demonstrate that there is reasonable likelihood that a lease for replacing out of priority depletions could be obtained.

Please consider committing to not exposing groundwater or mining into the groundwater table until such time as a monitoring plan and the data required (five quarters of baseline data) are acquired. This would be a change in the mine plan as presented in the application. DRMS would be happy to discuss this scenario further.

Sincerely,



Robin Reilley M.S. GISP
Environmental Protection Specialist II
Robin.reilley@state.co.us



Ben Laganfeld
Lewicki and Associates

30 May 2025

RE: Kattenberg Pit M2004017
RMS Preliminary Adequacy Review of TR2

The Division has completed its preliminary review of Kattenberg Pit Technical Revision No. 2, TR2 received by the Division on 8 April 2025 via electronic submission. DRMS found the proposed revision complete on 21 April 2025. The proposed decision due date is 5 June 2025. Due to the fact that a set of adequacy question specific to groundwater are required please request an extension of the 5 June proposed decision date. The ground water specific questions are attached as a separate document.

DRMS found that the preliminary adequacy questions were responded to with no outstanding issues.

DRMS May 2025

Rule 6.2.1 Maps

1. **Adequately Addressed**

Rule 6.4.1 Legal Description

2. Please provide an Exhibit A Legal description.

Adequately Addressed

Rule 6.4.4 Exhibit D Mining Plan

3. Please describe what the “plant site” referred to in the mine plan is. Include in the description what the structure is constructed of: concrete pad, building and building volume.

Adequately Addressed

4. Concurrent reclamation is suggested in the mine plan timetable. Please provide a description of the size (acres) and location of each area to be worked during each phase and the sequence that each area will be worked if appropriate.

Adequately Addressed

5. Please assure the Exhibit C Map legibly shows the following:
 - a. tributary water courses,
 - b. wells, springs,
 - c. stock water ponds,
 - d. reservoirs, and ditches on the affected land.
 - e. and on adjacent lands where such structures may be affected by the proposed mining operations.



6. Name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation.

Adequately Addressed

7. Please discuss the availability and storage of sand to absorb spills and show the location of sand storage.

Adequately Addressed

Rule 6.4.5 Exhibit E Reclamation Plan

Reclamation plan calls for replacing topsoil to an average depth of 7 inches. However, in the application topsoil salvage is purported to be 4 inches.

8. Please explain and correct the discrepancy or inform DRMS where an additional 3 inches of topsoil will be procured.

Adequately Addressed

Reclamation Cost Estimate

9. Please provide Average push distance and gradient for backfill and grading to final condition.

Adequately Addressed

10. Please provide a swell factor for excavated soils.

Adequately Addressed

8. Will there be any debris to be removed from the site at reclamation?

Adequately Addressed

11. Please confirm the seeding changes.

Adequately Addressed

Enclosed please find a second adequacy specific to the exposure of groundwater. The decision due date is 6 June 2025. In order to address DRMS's concerns with respect to ground water exposure an extension of the decision date will be necessary. Please send a request for an extension at your earliest convenience.

Sincerely,



Robin Reilley M.S. GISP
Environmental Protection Specialist II
Robin.reilley@state.co.us