



## Response to Reclamation Permit Application Consideration

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Date: June 2, 2025

To: Ben E. Hammar, Division of Reclamation, Mining & Safety (DRMS),  
[ben.hammar@state.co.us](mailto:ben.hammar@state.co.us)

Cc: Division 1 Office, District 2 Water Commissioner, [alec.hernandez@state.co.us](mailto:alec.hernandez@state.co.us)

From: Mike Matz, State Engineer's Office (SEO), [michael.matz@state.co.us](mailto:michael.matz@state.co.us)

Re: Rocky Flats Pit, File No. M-1987-113

Applicant: Chris Oestreich, BURNCO Colorado LLC., 10100 Dallas St., Henderson, CO 80640

Permitting Contact: Joel Bolduc, BURNCO Colorado LLC., 10100 Dallas St., Henderson, CO 80640

Location: Part of the S ½ of Sec. 9, Twp. 2S, Rng. 70W, 6<sup>th</sup> P.M., Jefferson County

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### Conditions for Approval

The proposed operation will consume groundwater by: ☐ evaporation, ☒ dust control, ☐ dewatering, ☐ water removed in the mined product, ☐ washing, ☒ concrete production and ☒ reclamation.

☒ The Applicant will need to obtain either a gravel pit or other type of well permit, as applicable in the event that groundwater is exposed at the site and the source of water for the above uses is groundwater exposed at the site.



While this DRMS permit amendment application claims the Rocky Flats Pit has historically been “dry mined” above the ground water table, it appears that the pit may be exposing groundwater through mining operations.

- ☒ Prior to obtaining a well permit (if required for the exposure of ground water), an approved substitute water supply plan (SWSP) or decreed plan for augmentation is required.
- ☒ Prior to approving a well permit (if required for the exposure of ground water), the Applicant must conduct a field inspection of the site and document the locations of all wells within 600 feet of the permit area. The Applicant must then obtain a waiver of objection from all well owners with wells within 600 feet of the permit area or the State Engineer must provide written notice to all well owners within 600 feet of the permit area, which may request a hearing before the State Engineer.

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**Comments:** The subject application is for an existing aggregate mining operation on approximately 95.44 acres located in the S ½ of Sec. 9, Twp. 2S, Rng. 70W, 6<sup>th</sup> P.M., Jefferson County. The property is currently used for the mining of gravel and clay at the Rocky Flats Pit. This application seeks to amend the boundary line between the Rocky Flats Pit (M-1987-113) and an adjacent pit known as the Church Pit (M-1979-045) to increase the area of the Rocky Flats Pit from 95.44 acres to 119.78 acres. The mining plan calls for an average excavation of an unspecified tonnage of gravel and clay per year for an estimated 8-10 years for the gravel material, and 15-25 years for the clay material. Mining will occur to an unspecified depth in the alluvium of the South Platte River. Estimated depth to groundwater is 60 feet below grade.

The application claims that past and future mining will occur above the ground water table, and therefore, no groundwater will be exposed through mining operations and no associated Gravel Pit Well Permit, substitute water supply plan, or replacement water source for depletions at the site are needed. However, a review of our records indicates that a DRMS

inspection conducted on July 22, 2010 (attached) found that; ***“There is impounded water at the site that appears to be exposed ground water. This represents a problem with respect to Section 34-32.5-116(4)(h) C.R.S for failure to minimize disturbance to the prevailing hydrologic balance of the affected lands during mining”.***

The corrective action outlined in the 2010 inspection instructed that; ***“The Operator has until 30 April 2011 to provide verification that one of the four mitigative options, described in the April 30, 2010 letter, has been implemented in accordance with State Engineer requirements to address the problem of exposed ground water, or submit evidence that the impounded water is not ground water”.***

A review of aerial imagery from April 2025 (attached) shows areas where water is ponding on-site within both the Rocky Flats Pit and the Church Pit permit boundaries, indicating that ground water may have been exposed. Our office has no records that a response was provided by the Operators of the Rocky Flats Pit and/or Church Pit to the 2010 letter mentioned above, or that the potential exposure of ground water has been addressed at the site.

Groundwater will be consumed by dust control, concrete production, and reclamation. While not explicitly stated in the amended application documents, it appears that water may also be consumed through evaporation, dewatering, water removed in the mined product, and washing of aggregate. The application documents indicate that water for aggregate production is provided by off-site well permit no. 17190-F and trucked to the mine site. Additionally, water used by the concrete batch plant is supplied by a nearby industrial park. Approximately 15 acre-feet per year is consumed through aggregate processing and dust control, while an additional 15 acre-feet per year is consumed through concrete production.

**Prior to the use or exposure of any groundwater, the Applicant must first obtain a well permit, subject to 600-foot spacing required by section 37-90-137(2)(b), C.R.S., and a substitute water supply plan (SWSP) or decreed plan for augmentation to replace depletions caused by groundwater consumption. The site must continue to be operated under a SWSP until such time as the proposed reservoirs are lined (lining approved by this**

office, backfilling is completed, and replacement of lagged depletions shall continue until there is no longer an effect on stream).

Based on the contour maps provided in the application, it appears that the pit will be excavated to an estimated elevation of approximately 6030 feet above MSL. This depth is approximately 100+/- feet below surface elevation. The construction report from nearby monitoring well permit no. 58862-MH indicates the static ground water level is approximately 60 feet below surface elevation, which indicates excavation at the site is either currently exposing ground water or will be exposing ground water in the future.

**The Applicant should clarify if the mining operation is currently exposing ground water at the site. If the Applicant claims ground water is not being exposed at the site, then an explanation shall be provided for how water is ponding into the excavated pits as shown in the attached aerial image.**

Any stormwater runoff intercepted by this operation that is not diverted or captured in priority must infiltrate into the ground or be released to the stream system within 72 hours. Otherwise, the operator will be required to make replacements for evaporation.

Please contact Mike Matz at [michael.matz@state.co.us](mailto:michael.matz@state.co.us) in the Denver office with any questions.