

STATE OF
COLORADO

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

Re: FRICO Milton Reservoir Compliance Advisory

8 messages

John and Kim Coleman <jc4buffs@msn.com>

Thu, Jun 19, 2025 at 7:42 AM

To: Barb Kirkmeyer <senkirkmeyer@gmail.com>, "Girardi - DNR, Chris" <chris.girardi@state.co.us>

Cc: "ryan@armagost64.com" <ryan@armagost64.com>, "Boebert.Scheduling@mail.house.gov"

<Boebert.Scheduling@mail.house.gov>, "scott@scottbrightcoloradosenate.com" <scott@scottbrightcoloradosenate.com>,

"barbara.kirkmeyer.senate@coleg.gov" <barbara.kirkmeyer.senate@coleg.gov>, "RYAN.ARMAGOST.HOUSE@coleg.gov"

<RYAN.ARMAGOST.HOUSE@coleg.gov>, "byron.pelton.senate@coleg.gov" <byron.pelton.senate@coleg.gov>,

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"ryan.gonzalez.house@coleg.gov" <ryan.gonzalez.house@coleg.gov>

I'm writing to express serious concerns regarding the recent communication from CDPHE indicating that FRICO is now authorized to discharge from their sand and gravel mining operation at Milton Reservoir.

How can CDPHE state that it is acceptable for FRICO to proceed when the Division of Reclamation, Mining and Safety (DRMS) hearing is not scheduled until July 2? That hearing is intended to determine whether FRICO's operations should even be allowed to continue.

Authorizing discharge activity before the public hearing takes place undermines the compliance process and calls into question the integrity of the regulatory system. FRICO operated for over three years without the proper permit. Rather than being held accountable, they are being allowed to continue as if nothing happened.

This is not acceptable. I strongly urge that discharge activity be paused until the DRMS hearing is complete and full compliance is verified.

Sincerely,

Kim Coleman

Kim Coleman**From:** John and Kim Coleman <jc4buffs@msn.com>**Sent:** Tuesday, June 17, 2025 3:10 PM**To:** Barb Kirkmeyer <senkirkmeyer@gmail.com>

Cc: ryan@armagost64.com <ryan@armagost64.com>; Boebert.Scheduling@mail.house.gov <Boebert.Scheduling@mail.house.gov>; scott@scottbrightcoloradosenate.com <scott@scottbrightcoloradosenate.com>; barbara.kirkmeyer.senate@coleg.gov <barbara.kirkmeyer.senate@coleg.gov>; RYAN.ARMAGOST.HOUSE@coleg.gov <RYAN.ARMAGOST.HOUSE@coleg.gov>; byron.pelton.senate@coleg.gov <byron.pelton.senate@coleg.gov>; sparky_bp@msn.com <sparky_bp@msn.com>; carlos.barron.house@coleg.gov <carlos.barron.house@coleg.gov>; dustyforcolorado@gmail.com <dustyforcolorado@gmail.com>; garciasanderforhouse@gmail.com <garciasanderforhouse@gmail.com>; ryan@ryanforco.com <ryan@ryanforco.com>; lori.garciasander.house@coleg.gov <lori.garciasander.house@coleg.gov>; carlos@carlosforcolorado.com <carlos@carlosforcolorado.com>; ryan.gonzalez.house@coleg.gov <ryan.gonzalez.house@coleg.gov>

Subject: Re: FRICO Milton Reservoir Compliance Advisory

Unauthorized Discharge Activities at Milton Reservoir

To:

Colorado Department of Public Health and Environment – Water Quality Control Division

Attorney General of Colorado

Senator Barb Kirkmeyer

Dear Officials,

We are submitting this formal complaint regarding ongoing violations and regulatory failures associated with the Farmers Reservoir and Irrigation Company (FRICO) operations at Milton Reservoir.

As confirmed by Lindsay Ellis of CDPHE in her June 12, 2025 email to Senator Kirkmeyer, FRICO operated under stormwater construction permits (COR400000 series) from 2021 through 2024, while engaging in sand and gravel mining operations that utilize process water—activities that fall under the COG500000 sand and gravel permit requirements.

CDPHE's April 2025 inspection (triggered by a citizen complaint) confirmed that the construction stormwater permit was not appropriate for FRICO's actual activities. The department issued a compliance advisory in May 2025 acknowledging that FRICO had no valid authorization to discharge process water and was therefore not in compliance.

Despite evidence of a prior discharge, FRICO only applied for the proper permit in June 2025, after years of activity. It is unacceptable that this was allowed to continue for over three years without enforcement.

We respectfully request:

A full investigation into how CDPHE allowed renewal of stormwater permits without recognizing the improper use of process water for mining

Immediate enforcement action, including penalties and required remediation for any discharges that occurred while unpermitted

A detailed compliance timeline and public disclosure of FRICO's previous discharge activities and permit communications from 2021 to present

Clarification on CDPHE's oversight process, especially why it took a citizen complaint to trigger proper permit evaluation

Environmental monitoring at Milton Reservoir to assess the potential impact of unauthorized discharges

This situation demonstrates a critical failure in regulatory oversight and undermines the integrity of Colorado's environmental protections. We expect prompt action and transparency moving forward.

Sincerely,

Kim Coleman

Kim Coleman

From: John and Kim Coleman <jc4buffs@msn.com>

Sent: Tuesday, June 17, 2025 12:35:22 PM

To: Barb Kirkmeyer <senkirkmeyer@gmail.com>

Cc: ryan@armagost64.com <ryan@armagost64.com>; Boebert.Scheduling@mail.house.gov <Boebert.Scheduling@mail.house.gov>; scott@scottbrightcoloradosenate.com <scott@scottbrightcoloradosenate.com>; barbara.kirkmeyer.senate@coleg.gov <barbara.kirkmeyer.senate@coleg.gov>; RYAN.ARMAGOST.HOUSE@coleg.gov <RYAN.ARMAGOST.HOUSE@coleg.gov>; byron.pelton.senate@coleg.gov <byron.pelton.senate@coleg.gov>; sparky_bp@msn.com <sparky_bp@msn.com>; carlos.barron.house@coleg.gov <carlos.barron.house@coleg.gov>; dustyforcolorado@gmail.com <dustyforcolorado@gmail.com>; garciasanderforhouse@gmail.com <garciasanderforhouse@gmail.com>; ryan@ryanforco.com <ryan@ryanforco.com>; lori.garciasander.house@coleg.gov <lori.garciasander.house@coleg.gov>; carlos@carlosforcolorado.com <carlos@carlosforcolorado.com>; ryan.gonzalez.house@coleg.gov <ryan.gonzalez.house@coleg.gov>

Subject: Re: FRICO Milton Reservoir Compliance Advisory

Senator Kirkmeyer,

Thank you for helping get us answers so quickly. It's frustrating because we were told by Weld County that this was just a routine maintenance operation. Clearly, FRICO is continuing to do as they please until someone formally reports them and holds them accountable.

We really appreciate your support and help navigating this.

Kim Coleman

From: Barb Kirkmeyer <senkirkmeyer@gmail.com>

Sent: Tuesday, June 17, 2025 11:25:26 AM

To: jc4buffs@msn.com <jc4buffs@msn.com>

Cc: ryan@armagost64.com <ryan@armagost64.com>; Boebert.Scheduling@mail.house.gov

<Boebert.Scheduling@mail.house.gov>; scott@scottbrightcoloradosenate.com <scott@scottbrightcoloradosenate.com>; barbara.kirkmeyer.senate@coleg.gov <barbara.kirkmeyer.senate@coleg.gov>; RYAN.ARMAGOST.HOUSE@coleg.gov <RYAN.ARMAGOST.HOUSE@coleg.gov>; byron.pelton.senate@coleg.gov <byron.pelton.senate@coleg.gov>; sparky_bp@msn.com <sparky_bp@msn.com>; carlos.barron.house@coleg.gov <carlos.barron.house@coleg.gov>; dustyforcolorado@gmail.com <dustyforcolorado@gmail.com>; garciasanderforhouse@gmail.com <garciasanderforhouse@gmail.com>; ryan@ryanforco.com <ryan@ryanforco.com>; lori.garciasander.house@coleg.gov <lori.garciasander.house@coleg.gov>; carlos@carlosforcolorado.com <carlos@carlosforcolorado.com>; ryan.gonzalez.house@coleg.gov <ryan.gonzalez.house@coleg.gov>

Subject: Fwd: FRICO Milton Reservoir Compliance Advisory

John and Kim

This is the information I rec'd from the state health dept.

Also Lindsey just texted me this ;

Hi, Senator Kirkmeyer! We just received FRICO's permit application for the Milton Reservoir so they are now authorized to discharge from their sand and gravel mining operation. Please let me know if there is anything else I can help answer.

Regards,
Senator Barb Kirkmeyer

Begin forwarded message:

From: "Ellis - CDPHE, Lindsay" <lindsay.ellis@state.co.us>
Date: June 12, 2025 at 2:24:14 PM MDT
To: Barb Kirkmeyer <senkirkmeyer@gmail.com>
Subject: FRICO Milton Reservoir Compliance Advisory

Senator Kirkmeyer,

Good afternoon! Thank you for your inquiry about the Water Quality Control Division's oversight of FRICO's operations at Milton Reservoir. FRICO applied for and received three separate certifications to discharge stormwater under the division's permit for stormwater discharges associated with construction activities (COR400000). Permit certification numbers COR414592, COR418738, and COR419504 were issued to FRICO in 2021, 2022, and 2023, respectively. The certifications were renewed in 2024.

In April 2025, the division inspected the western and northern areas of Milton Reservoir in response to a citizen complaint. The division determined that the construction stormwater permit is not appropriate for regulating FRICO's current activities at Milton Reservoir. That permit is limited to discharges of stormwater associated with construction like clearing, grading, excavation, and stockpiling of fill materials. However, FRICO is using process water to mine sand and gravel at the reservoir and so the company needs a sand and gravel mining and processing permit (COG500000), which authorizes both stormwater and process water discharges associated with sand and gravel mining.

On May 15, 2025, the division issued a compliance advisory to FRICO regarding the need for COG500000 permit coverage (see attached). While the division did not observe an active discharge to Milton Reservoir from the mining operation during its April 2025 inspection, there was evidence of a previous discharge. FRICO will need to obtain a sand and gravel mining permit (COG500000) to discharge process water and stormwater from its sand and gravel activities. The company has 30 days to respond to the division's compliance advisory and to submit a permit application. The compliance advisory indicates that if FRICO fails to comply with the compliance advisory requirements, the company may be at risk of enforcement. The division has not yet determined whether an enforcement action is necessary.

With regard to alleged dredge and fill activities, according to the U.S. Army Corps of Engineers, Milton Reservoir is excluded from the federal Section 404 permitting program. The Army Corps issued two official jurisdictional determinations, in 2009 and 2021, concluding that Milton Reservoir is an excluded water feature because it was created in upland. This means a Section 404 permit is not required for the discharge of dredged or fill material into the lake. Under HB24-1379 (section 25-8-201.5(8)(b), C.R.S.), activities in receipt of such Army Corps jurisdictional determinations before May 25, 2023, are exempt from the requirement to obtain a dredge and fill discharge authorization from the division.

We are happy to answer any additional questions you may have or follow-up with you after we receive FRICO's response to the compliance advisory.

Thank you!
Lindsay

Lindsay Ellis
Director of Legislative Affairs



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<COUT00384 Compliance Advisory 05-15-2025.pdf>

COLORADO
**Department of Public
Health & Environment**

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

Fri, Jun 20, 2025 at 7:42 AM

To: Jared Ebert - DNR <jared.ebert@state.co.us>, Russ Means - DNR <russ.means@state.co.us>, "Scott Schultz (He/Him)" <scott.schultz@coag.gov>, Jeff Fugate <jeff.fugate@coag.gov>

FYI, one of the objectors emailed Colorado State Senator Barb Kirkmeyer (and myself) yesterday. See the responses, as she brushed it off as CDPHE responded. Let me know if you'd like to respond on behalf of DRMS. Thanks!

[Quoted text hidden]

Ebert - DNR, Jared <jared.ebert@state.co.us>

Fri, Jun 20, 2025 at 7:56 AM

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

Cc: Russ Means - DNR <russ.means@state.co.us>, "Scott Schultz (He/Him)" <scott.schultz@coag.gov>, Jeff Fugate <jeff.fugate@coag.gov>

Thanks for the heads up Chris. As her complaint is directed at CDPHE, I do not feel we need to respond in any way. Russ, Scott and Jeff, let Chris or I know if you disagree.

Thanks,

Jared

[Quoted text hidden]

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Jared Ebert

Senior Environmental Protection Specialist



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

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