



July 1, 2025

Joel Balduc  
BURNCO Colorado, LLC  
10100 Dallas St  
Henderson, CO 80640

**Re: BURNCO Colorado, LLC, Rocky Flats Pit AM1, File No. M-1987-113, 112c Permit Amendment Application Adequacy Review**

Mr. Balduc,

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application from BURNCO Colorado, LLC (Operator or Applicant) to ensure it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During the public comment period for the Rocky Flats Amendment No. 1, the Division received three timely objection letters and one comment letter. Objections provided were from the U.S. Department of Energy (DoE), Colorado Department of Public Health and Environment (CDPHE), and Mr. Jon S. Lipsky. Comments were also provided from the Colorado Division of Water Resource (CDWR). All objection and comment letters are attached at the end of this adequacy letter. During review of the material submitted by the applicant and provided in objections, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered by the Division.

#### **On the Application Form**

1. On page 1 of the application form, the applicant lists the company name as BURNCO Colorado, however they are listed is BURNCO Colorado, LLC with the Colorado Secretary of State. Please update the application form to match the SoS information.

#### **Exhibit G – Water Information**

2. When reviewing previous inspections conducted by the Division and as noted in CDWR comment letter provided for the Rocky Flats Pit, water has been observed along the pit floor and it is unclear as to whether groundwater will be exposed as a result from mining activities at the Church Pit. Provided drill logs in the application show that groundwater has been observed at depths of approximately 6,069', 6,026', and 6,047' for TH-3, TH-4, and TH-5 respectively. The current elevation of the pit floor is at 6,060 ft. with a potential final bottom elevation of 6,030' or significantly lower as noted under Exhibit D and Exhibit E in the application. The groundwater depths shown within these drill logs are above or close to the current and final pit elevation discussed in Exhibit D and E.

Based on visual observations and the information provided, it appears to the Division that groundwater has potentially been exposed or has the potential to be exposed as a result from mining activities at the Rocky Flats Pit. Please provide one of the following:

- a. Additional information that confirms groundwater has not and will not be exposed as a result from mining, or
  - b. Updated the applicable sections of the application discussing the exposure of groundwater and documentation that all required permitting associated with groundwater exposure has been acquired. See the attached CDWR comments for additional information.
3. Per Rule 6.4.7(1), a demonstration that surface and groundwater will not be affected by the current operation and the proposed developed water resource should be provided. Given the objections received from the DoE and CDPHE, the site's proximity to the Rocky Flats National Wildlife Refuge, and the site's history of retained stormwater, the materials provided by the applicant are currently inadequate to satisfy this requirement. Please provide a demonstration and additional information detailing how the proposed water storage area will not impact the Rocky Flats National Wildlife Refuge and adjacent areas from surface and groundwater impacts. This may come in the form of nearby well data, information from an installed monitoring well, or a similar groundwater monitoring study at the operator's discretion and approved by the Division.
4. Per the objection provided by CDPHE, downgradient monitoring of seepage from the proposed reservoir should be performed to confirm that no significant impacts occur to the Rocky Flats Wildlife Refuge environmental remediation efforts because of the planned reservoir. Please provide additional information detailing planned efforts on how the Operator will monitor potential impacts to the Rocky Flats Wildlife Refuge and adjacent areas from groundwater due to the proposed reservoir.
5. If the potential impact to groundwater exists, groundwater monitoring will likely be required. In this case, the applicant will be required to submit a groundwater monitoring plan which satisfies the requirements of Rule 3.1.7. This will include point of compliance well installation and commitment to numeric monitoring levels as required by WQCC standards, or where those standards are not available, by baseline monitoring data acquired from downstream groundwater testing. The requirements for groundwater monitoring can be discussed further once more information has been provided to the Division.

#### **Exhibit N – Source of Legal Right to Enter**

6. Per Rule 6.4.14, the applicant must "Provide documentation of the legal right to enter to conduct mining and reclamation, for Owners of Record described in Rule 1.6.2(1)(e)(i)." Given DoE's objection to the Applicant's proposed form of reclamation, the Applicant must provide documentation from the DoE that the Applicant has the legal right to conduct the proposed mining *and reclamation*.

Please be advised the BURNCO Colorado, LLC amendment may be deemed inadequate, and the application may be denied on **July 23, 2025**, unless the above-mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division may grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by **July 23, 2025** and request for additional time. This must be received by the Division no later than the decision date.

If you have any questions, please contact me at [ben.hammar@state.co.us](mailto:ben.hammar@state.co.us) or **(720) 793-2988**.

Sincerely,

Benjamin Hammar  
Environmental Protection Specialist

Ec:d Zachary Trujillo, Division of Reclamation, Mining & Safety

Michelle Franke, U.S Department of Energy

Brian Walker, Colorado Division of Public Health and Environment

Michael Matz, Colorado Division of Water Resources

