

EL PASO COUNTY
COLORADO

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

December 28, 2023

RE: AL2218 Solberg Pit Special Use Amendment
Parcel(s): 4321000009, 4321000010, 4321000011, and 4321000012

This is to inform you that the above referenced request for approval of a special use application for an expansion to an existing gravel mining operation located at the southwest corner of the intersection of Garrett Road and Curtis Road was **approved** by the Planning and Community Development Director on 12/28/2023. It is the determination and finding of the Planning and Community Development Department (PCD) Director that the application meets the review criteria for approval of a Special Use included in Section 5.3.2 of the El Paso County Land Development Code (as amended).

This approval is subject to the following conditions and notations:

CONDITIONS OF APPROVAL

1. Approval is limited to the gravel mining operation, as discussed and depicted in the applicant's letter of intent and as depicted on the site plan drawings.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

All administrative decisions, such as this one, may be appealed to the Board of County Commissioners within 30 days of the date of the decision. Should you have any questions, please contact me at (719) 520-6300.

Sincerely,



Meggan Herington, AICP, Executive Director
El Paso County Planning and Community Development Department
File: AL2218

Steve Schleiker
01/05/2024 11:16:01 AM
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El Paso County, CO



224001051



November 1, 2023

Ryan Howser
El Paso County
Planning & community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Solberg Gravel Pit
Application for Special Use Permit for Minerals Extraction

Dear Mr. Howser,

Please accept this application on behalf of Russell Solberg of Solberg Gravel LLC (Solberg). The owner of the property is Russell Solberg, 13745 Garrett Road, Peyton, CO 80831; phone (719) 683-3198; stuntpup@aol.com. The operator and applicant is Kevin Peart, Holcim WCR, Inc. (Holcim); 1687 Cole Blvd. Suite 300, Golden, CO 80401; contact for the application is Angela M. Bellantoni Ph.D. of Environmental Alternatives Inc., P.O. Box 326, Cañon City, CO 81215, (719) 275-8951; angela@envalternatives.com.

The Solberg Gravel Pit is located at 5445 Curtis Road, Peyton, CO 80831 at the southwest corner of the intersection of Curtis Road and Garrett Road in eastern El Paso County. The mine is located on four parcels with tax schedule numbers 4321000009, 4321000011, 4321000010, and 4321000012. The parcels are zoned A-35 and are not subject to overlay zoning.

The Solberg Gravel Pit began operating in 1981. Pioneer became the operator in 2011. Pioneer transfer the operation to Holcim Inc. on January 20, 2023. The previously approved DRMS mine permit boundary encompassed 234 acres.

Unique to the Solberg Gravel Pit is the quantity and grade of sand along with water rights. The sand meets construction standards for use in cement and concrete production. The historic water rights present on the land enable the production of washed sand which removes dirt and clay from the sand product. The mine produces finer sieve products with wash plants and screens including two grades of sand, two aggregate products, two backfill materials and a topsoil mix. Crushing plants are not used in production at the mine. Eastern El Paso County construction projects, both private and public, and concrete/cement plants throughout the state use material produced from this quarry.

Pioneer Landscape Materials Inc., operator prior to January 20, 2023, submitted application to CO Division of Reclamation Mining and Safety (DRMS) on November 15, 2021 to amend permit M-1981-044 to include the subject additional approximate 79 acres adjoining the mine to the west. DRMS approved the amendment on August 15, 2022. On or before April 10, 2023, Holcim posted the reclamation bond with the State of CO and DRMS, assuming liability and operation of the Solberg Gravel Pit.

According to FEMA Panel 562 of 1300, Flood Zone A crosses the subject parcels on the west side. FEMA panels are provided in Appendix B of the CDPHE Stormwater Management Plan. The mine does not require a septic system and does not include construction of any permanent structures.

The Solberg Pit permit amendment demonstrates conformance with the following standards listed in 5.2.34 Mineral and Natural Resources Extraction.

- (1) **Consistent with Master Plan.** The operation shall be consistent with the Master Plan for Extraction of Commercial Mineral Deposits.

Based on the Master Plan adopted May 26, 2021, the Solberg Gravel Pit is a use consistent with the needs and future development of the county. The Solberg Gravel Pit is located in the Rural land use area designated in the Master Plan. The subject parcels are agricultural use and are established mineral extraction. The mine is not located within a Key Area subject to annexation. The Master Plan's twofold objective is to evaluate established land use and predict future needs of evolving regions and communities. The Solberg Gravel Pit is an established land use that has provided a basic, reliable, cost effective and necessary resource to the utility, infrastructure and construction industries for over 40 years. Having a construction aggregate source near regional commercial centers as well as established and developing residential communities manages fuel costs to transport the material to its end use thus providing affordable construction material.

- (2) **No Adverse Long-Term Visual Impacts.** The operation shall have no adverse long-term visual impact either from adjacent properties or major transportation corridors.

Pursuant to CO DRMS, mining operations must be reclaimed in accordance with an approved reclamation plan. DRMS approved the permit amendment on August 16, 2021 that included specific final land use reclamation including grading, slope construction and revegetation to range land to resume cattle ranching.

- (3) **Reclaimed to a Compatible Use.** The land on which the operation is located shall be reclaimed to a use and character compatible with surrounding uses and zoning.

The Solberg Gravel Pit has existed in harmony with the neighborhood and allowable land uses in the vicinity for 40 years. Residential large-lot development is mixed with agricultural use south of Garrett Road. The primary area land use is agricultural for cattle grazing and ranch homes with outbuildings.

- (4) **Operation to Result in Efficient Use of Resource.** The operation shall result in an efficient use of the mineral deposit.

The Solberg Gravel Pit began operating in 1981. Pioneer became the operator in 2011 with Holcim becoming the operator in January, 2023. The previously approved DRMS mine permit boundary encompassed 234 acres. Unique to the Solberg quarry is the quantity and grade of sand along with water rights. The sand meets construction standards for use in cement and

concrete production. The historic water rights present on the land enable the operator to produce washed sand which removes dirt and clay from the sand product. Eastern El Paso County construction projects, both private and public, and concrete/cement plants throughout the state use material produced from this quarry.

- (5) **Disturbance of Sensitive Environment Limited.** The operation shall not substantially disturb uniquely sensitive environmental features including but not limited to wetlands, riparian habitats, wildlife habitats, threatened or endangered species habitat, high priority land for conservation, and rare or unusual natural features.

The subject parcels were agricultural land for cattle grazing prior to development as a construction material mining operation. During the DRMS amendment application and review process wetlands, wetlands, riparian habitats, wildlife habitats, threatened or endangered species habitat, high priority land for conservation, and rare or unusual natural features were not identified.

- (6) **Disturbance of Historic Resources Limited.** The use shall not substantially disturb identified historical, archaeological or pale ontological sites.

Neither Solberg Gravel LLC nor Pioneer/Holcim are aware of any historical, archaeological or pale ontological sites within the permit boundary. In the event a cultural resource is encountered, mining in the vicinity of the artifact will cease and History Colorado and the county will be notified.

- (7) **Buffering Required.** The site and associated special use operations shall be adequately buffered from surrounding properties and uses.

Mining is buffered from surrounding properties and uses by perimeter berms and operations below ground surface elevation of surrounding properties. The operation is visible to vehicles for approximately 800 ft traveling east from the intersection of Garrett Road and Curtis.

- (8) **Water Supply Adequate for Operations and Reclamation Uses.** Adequate water supplies shall be available for drinking, dust control, landscaping, general operations and effective reclamation. Proof of approved water supply shall be provided to PCD.

Water is obtained from two onsite wells: Well Permit 85275-F and 85276-F. Both wells are permitted for commercial and industrial use including dust suppression and wet plant operations.

- (9) **Mitigation of Impacts to Adjacent Properties.** Adverse impacts from vibration, noise, glare, blowing or flowing materials, or odors shall be mitigated to ensure minimal impacts to adjacent properties and travelers.

Off-site vibration, glare and odor is not anticipated and has not been an impact to adjacent properties and travelers since the operation began in 1981. The mine complies with county noise requirements. Mining equipment and haul trucks operation in the bottom of the quarry at least 30 feet below initial ground surface. The surrounding mine walls or soil berm absorb sound serving as a noise barrier. The perimeter mine walls will be maintained throughout the life of the mine. Fugitive dust is controlled with regular application of water to mine faces and stockpiles. All mined material is processed through a wash plant to produce clean gravel and sand for construction projects and concrete production. The mine operates under a Construction Permit 11EP3452 issued by the Air Pollution Control Division of CDPHE.

- (10) **Commercial Mineral Deposit Required.** A commercial mineral deposit as defined by State Statute shall exist on the land on which the operation will be located.
The mineral resource meets the definition of CRS § 34-1-302: a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation. The Solberg Pit was the source of 766,938 tons of sand and gravel in 2021. This is a significant contribution to the construction and infrastructure industry in El Paso County.
- (11) **Site Security and Safety.** Adequate site security and safety plans shall be provided at all times. The mine has a security gate that is locked at the close of business each day. All traffic entering the mine must be recognized by the scale house attendant before proceeding into the mine. The mine operates under the Mine Health and Safety Administration (MSHA) that includes employee training and agency inspections.
- (12) **Hours of Operation.** Hours of operation shall be compatible with neighboring uses, traffic volumes, affected transportation corridors and school bus operations, and designated pedestrian crosswalk activity over the lifetime of the operation.
The mine operates up to six days each week and up to 10 hours each day depending on construction industry demand. These hours are consistent with the operations since 2011 when Solberg Gravel LLC secured Pioneer Sand Company as the operator of the mine. The mine traffic has been compatible with neighboring uses, traffic volumes, affected transportation corridors and school bus operations. No designated pedestrian crosswalk activity is in the vicinity.
- (13) **Reclamation of Visual and Environmental Impacts.** Reclamation of adverse visual and other environmental impacts shall take place within a reasonable and specified time frame.
Reclamation of adverse visual and other environmental impacts in accordance with the CO DRMS approved reclamation plan as provided herein as Exhibit A: CO DRMS Reclamation Plan.
- (14) **Mineral Processing.** Mineral processing such as material washing, sorting, crushing or more intensive modification and alteration through mechanical or chemical means to a mineral resource extracted within the same ownership as the mineral extraction operation is prohibited unless specifically approved as part of the special use. If processing is to occur on the property where a special use is requested for mineral extraction, then the special use cannot be approved administratively, and the public hearing process to review the special use will be triggered.
The applicant accepts the public hearing process required by the county to consider the Special Use application.

The Solberg Pit Special Use permit amendment meets the criteria listed in 5.3.2(C) Special Use Criteria as follows.

- The special use is generally consistent with the applicable Master Plan;

Based on the Master Plan adopted May 26, 2021, the Solberg Gravel Pit is a use consistent with the needs and future development of the county. The Solberg Gravel Pit is located in the Rural land use area designated in the Master Plan. The subject parcels are agricultural use and are

established mineral extraction. The mine is not located within a Key Area subject to annexation. The Master Plan's twofold objective is to evaluate established land use and predict future needs of evolving regions and communities. The Solberg Gravel Pit is an established land use that has provided a basic, reliable, cost effective and necessary resource to the utility, infrastructure and construction industries for over 40 years. Having a construction aggregate source near regional commercial centers as well as established and developing residential communities manages fuel costs to transport the material to its end use thus providing affordable construction material.

- The special use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;

The Solberg Gravel Pit has existed in harmony with the neighborhood and allowable land uses in the vicinity for 40 years. Residential large-lot development is mixed with agricultural use south of Garrett Road. The primary area land use is agricultural for cattle grazing and ranch homes with outbuildings.

- The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;

The mining operation requires electricity and emergency services in the event of an accident. Mine operations rely on water from two wells that are CO DWR permitted as Permit No. 85275-F and 85276-F (Exhibit B). Potable water is supplied as bottled water to employees.

- The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;

The mine has operated since 1981 with the current traffic volume and pattern since 2012. Mine traffic has not created traffic congestion or traffic hazards on Garrett or Curtis Road. Material is transported offsite on two haul routes; north on Curtis Road and west on Garrett Road. The majority of haul vehicles will leave the site going north on Curtis Rd, and then turn west on Garrett Road. Hwy 24 is the destination from Garrett road as this route allows haul vehicles to deliver to the market in Colorado Springs. A small number of haul vehicles will leave the site and stay north on Curtis Rd to deliver material to the north or east of the site. Passenger cars/trucks will also use these routes. The proposed acreage increase will not change the mining operation and traffic generation. The mine has a developed and efficient access onto Curtis Road that includes a right turn lane into the access from Curtis Road. Y2K Engineering LLC performed a traffic analysis and impact study that is submitted with this application.

- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;

Solberg Gravel LLC agrees to comply with all applicable local, state and federal laws and regulations. DRMS approved the permit amendment on August 16, 2021. The mine operates under a Construction Permit 11EP3452F (Exhibit C) issued by the Air Pollution Control Division of CDPHE. The mine operations under the CO Discharge Permit COG502217 (Exhibit D) issued by Water Quality Control Division of CDPHE.

- The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or

The mine has not been detrimental to the public health, safety and welfare of the present residents of El Paso County and will not be detrimental to future residents.

- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

Solberg understands that the 1981 to current day mine is a non-conforming land use. With the intent to expand into the parcel to the west, it is accepted that the county requires a Special Use permit application that is comprehensive to the operation, including all 313 acres approved by DRMS. The mine will conform to all other applicable County rules, regulations or ordinances.

In summary, the Solberg Gravel Pit has been in operation since 1981. While this application is comprehensive due to the non-conforming status of the current mine, it is submitted to increase the total acres in the mine boundary by 79 acres. The mine operation will not change regarding operating equipment, number of employees, hours of operation and truck hauling traffic. The additional acres will extend the life of the mine and ensure that the availability of construction aggregate and sand exists for current and future projects in El Paso County.

Please feel free to contact me with any questions at (719) 275-8951 or angela@envalternatives.com.

Respectfully submitted,

Angela M. Bellantoni
Angela M. Bellantoni Ph.D.

Enclosures:

- Exhibit A: CO DRMS 112 Permit Exhibit F Reclamation Plan
- Exhibit B: Well Permits
- Exhibit C: CDPHE Air Permit 11EP3452F
- Exhibit D: CDPHE Stormwater Permit COG502217

Cc: Kurt Thurmann, Kevin Peart of Holcim (WCR) Inc.
Rich Brown of Haley Aldrich

El Paso County
Exhibit A: CO DRMS 112 Permit Reclamation Plan

**Rule 6.4.5
Reclamation Plan**

Post-mining land use will remain rangeland as approved in the current permit. Final topographical configuration will manifest as a graded mine floor at 6441 ft. elevation with 3H:1V or less sloped sides. The mine floor will be graded to allow for stormwater drainage into the natural drainage ditch in the southeast corner. As mining activity progresses west into the amendment area, reclamation will begin in the mined out east portion of the mine.

Upon completion of mining and processing in a portion of the mine, the mine floor will be graded with a motor grader. The recycle water pond will be backfilled with a bulldozer and graded. Perimeter slopes in the vicinity will be shaped to a slope of 3H:1V or gentler using a bulldozer. The access will remain along with the interior road to the vicinity of the scale house. Other interior haul roads will be ripped and reclaimed.

Topsoil will continue to be salvaged and stockpiled inside the mine for use during reclamation. Topsoil will be replaced to a minimum depth of six inches. The topsoil will be transported from the stockpiles to the target area by dump trucks that are filled using a loader. The topsoil will be distributed using a motor grader.

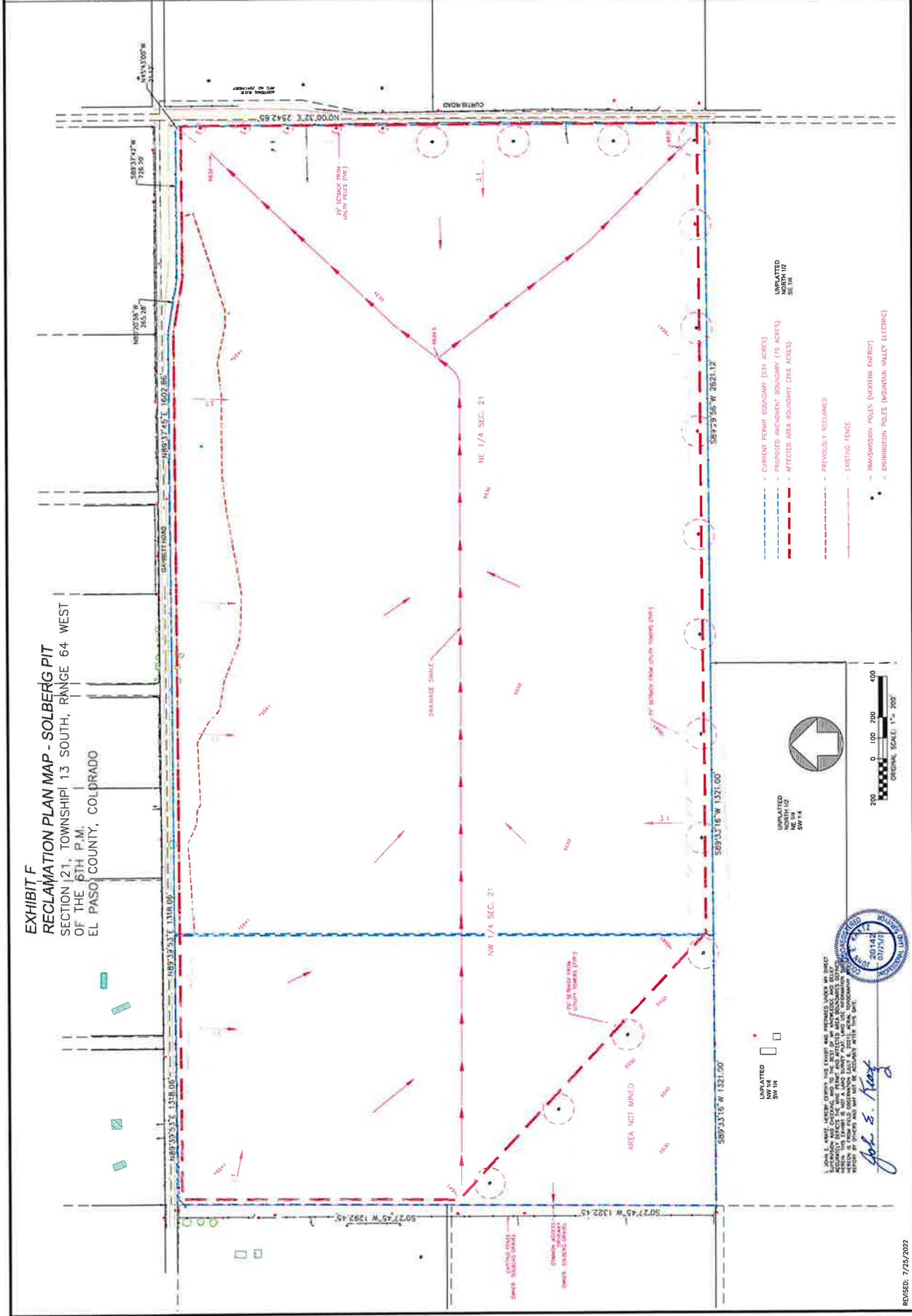
Reseeding will use a hydroseeder. Seeding will occur between October 1 and April 30. The reclamation seed mix is consistent with the 2006 reclamation plan. Revegetation will occur using a hydroseeder and hydromulch with a tacifier, eliminating the need for straw mulch and crimping equipment.

To address the potential for erosion during reclamation, contour furrows will be shaped into the slope at 30 vertical foot intervals down the face of the slope, perpendicular to the slope. The contour furrows will be approximately 20 ft. long and spaced approximately 50 ft. apart.

The reclaimed slopes will be monitored regularly for vegetation success or erosion impacts. Additional erosion control measures will be implemented if necessary. Weed control will be performed if the weed density inhibits the establishment of grasses or if noxious weeds appear in the reclaimed area.

EXHIBIT F
RECLAMATION PLAN MAP - SOLBERG PIT
 SECTION 21, TOWNSHIP 13 SOUTH, RANGE 64 WEST
 OF THE 6TH P.M.
 EL PASO COUNTY, COLORADO

NO.	DATE	BY	REVISIONS
01	11/15/21	AKF	ADDED AREA BOUNDARY
02	01/11/22	AKF	SHAW COMMENTS - JAN. 11, 2022
03	02/17/22	AKF	ADDED COMMENTS - FINAL
04	03/17/22	AKF	ADDED AREA BOUNDARY
05	04/17/22	AKF	ADDED AREA BOUNDARY
06	07/17/22	AKF	ADDED AREA BOUNDARY



- - - CORRECTED FORMER BOUNDARY (234 ACRES)
- - - PROPOSED AMENDMENT BOUNDARY (79 ACRES)
- - - AFFECTED AREA BOUNDARY (206 ACRES)
- - - PREVIOUSLY RECLAIMED
- - - EXISTING FENCE
- TRANSMISSION POLES (MOUNTAIN VALLEY ELECTRIC)
- DISTRIBUTION POLES (MOUNTAIN VALLEY ELECTRIC)

UNPLATTED
 NW 1/4
 SW 1/4
 NE 1/4
 SE 1/4

UNPLATTED
 NW 1/4
 SW 1/4
 NE 1/4
 SE 1/4

200 0 100 200 400
 ORIGINAL SCALE 1" = 200'

APPROVED
 20145
 07/21/21

John S. Kray

RECLAMATION PLAN MAP
 SOLBERG GRAVEL, LLC
 13745 GARRETT ROAD
 PLYMOUTH, CO 80831

El Paso County Exhibit B: CO DWR Well Permits



COLORADO
Division of Water Resources
Department of Natural Resources

WELL PERMIT NUMBER 85275-F
RECEIPT NUMBER 10006890

ORIGINAL PERMIT APPLICANT(S)

SOLBERG GRAVEL LLC

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
Designated Basin: UPPER BLACK SQUIRREL CREEK
Management District: UPPER BLACK SQUIRREL
County: EL PASO
Parcel Name: N/A
Physical Address: GARRETT ROAD PEYTON, CO 80831
NW 1/4 NE 1/4 Section 21 Township 13.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone:13, NAD83)

Easting: 538076.0 Northing: 4306679.0

PERMIT TO CONSTRUCT A NEW WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated July 10, 2006, for Determination of Water Right No. 929-BD.
- 4) The pumping rate of this well shall not exceed 100 GPM (as requested).
- 5) The allowed average annual amount of groundwater that may be withdrawn by this well under this permit may not exceed 89.647 acre-feet, subject to the conditions of Determination of Water Right no. 929-BD including but not limited to the allowed maximum annual amount of withdrawal.
- 6) The total amount of groundwater that may be withdrawn by this well under this permit in combination with permit no. 85276-F may not exceed a volume of 8964.7 acre-feet, subject to the conditions of Determination of Water Right no. 929-BD.
- 7) The total amount of groundwater that may be withdrawn by this well in combination with any other wells operating under 929-BD may not exceed a volume of 25,400 acre-feet (excluding the 724.48 acre-feet pumped by well no. 65175-F from 2007 through 2020), subject to the conditions of Determination of Water Right no. 929-BD.
- 8) The use of ground water from this well is limited to domestic, commercial, industrial, irrigation, stock watering and replacement supply. The place of use shall be limited to the 680 acre land area claimed in the above described Order of the Commission.
- 9) Production from this well is restricted to the Arapahoe aquifer, which corresponds to the interval between 740 feet and 1235 feet below the ground surface.
- 10) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontributary Ground Water Rules prior to installing casing.
- 11) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 12) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 13) At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the well.
- 14) This well shall be constructed within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.

WELL PERMIT NUMBER 85275-F

RECEIPT NUMBER 10006890

NOTE: This well is withdrawing water from a non-renewable aquifer. While the withdrawals from this aquifer are administered based on a 100 year aquifer life, water level declines may prevent this well from diverting the permitted amounts for that 100 years.

NOTE: This well is located within the Upper Black Squirrel Creek Ground Water Management District where local District Rules apply which may further limit the withdrawal and use of designated ground water as authorized under this permit.

NOTE: A hydrogeologic aquifer evaluation has been completed for this permit and the details of the evaluation can be viewed in the hydrogeologic aquifer evaluation imaged document and the original permit file.

NOTE: This well will be completed in a Type 1 aquifer penetrating only one confining layer and must be constructed in accordance with Well Construction Rule 10.4.5.1 (2 CCR 402-2).



Issued By IOANA COMANICIU

Date Issued: 3/23/2021

Expiration Date: 3/23/2022



ORIGINAL PERMIT APPLICANT(S)

SOLBERG GRAVEL LLC

APPROVED WELL LOCATION

Water Division: 2 Water District: 10
 Designated Basin: UPPER BLACK SQUIRREL CREEK
 Management District: UPPER BLACK SQUIRREL
 County: EL PASO
 Parcel Name: N/A
 Physical Address: GARRETT ROAD PEYTON, CO 80831
 NW 1/4 NE 1/4 Section 21 Township 13.0 S Range 64.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 538300.0 Northing: 4306696.0

PERMIT TO USE AN EXISTING WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated July 10, 2006, for Determination of Water Right No. 929-BD.
- 4) Approved for the change of use of an existing well constructed under permit no. 65175-F. Upon issuance of this permit well permit no. 65175-F was canceled by order of the Groundwater Commission.
- 5) The pumping rate of this well shall not exceed 100 GPM (as requested).
- 6) The allowed average annual amount of groundwater that may be withdrawn by this well under this permit may not exceed 89.647 acre-feet, subject to the conditions of Determination of Water Right no. 929-BD including but not limited to the allowed maximum annual amount of withdrawal.
- 7) The total amount of groundwater that may be withdrawn by this well under this permit in combination with permit no. 85275-F may not exceed a volume of 8964.7 acre-feet, subject to the conditions of Determination of Water Right no. 929-BD.
- 8) The total amount of groundwater that may be withdrawn by this well in combination with any other wells operating under 929-BD may not exceed a volume of 25,400 acre-feet (excluding the 724.48 acre-feet pumped by well no. 65175-F from 2007 through 2020), subject to the conditions of Determination of Water Right no. 929-BD.
- 9) The use of ground water from this well is limited to domestic, commercial, industrial, irrigation, stock watering and replacement supply. The place of use shall be limited to the 680 acre land area claimed in the above described Order of the Commission.
- 10) Production from this well is restricted to the Arapahoe aquifer.
- 11) The geophysical log required by Rule 9 of the Statewide Nontributary Ground Water Rules was provided as part of the previous permit no. 65175-F.
- 12) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 13) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually and submitted to the Upper Black Squirrel Creek Ground Water Management District and the Ground Water Commission upon request.
- 14) At least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the well.

WELL PERMIT NUMBER 85276-F

RECEIPT NUMBER 10006891

15) This well shall be located within 200 feet of the location specified on this permit. This well shall not be located within 600 feet of another large-capacity well completed in the Arapahoe aquifer.

NOTE: This well is withdrawing water from a non-renewable aquifer. While the withdrawals from this aquifer are administered based on a 100 year aquifer life, water level declines may prevent this well from diverting the permitted amounts for that 100 years.

NOTE: This well is located within the Upper Black Squirrel Creek Ground Water Management District where local District Rules apply which may further limit the withdrawal and use of designated ground water as authorized under this permit.



Issued By IOANA COMANICIU

Date Issued: 3/23/2021

Expiration Date: N/A



CONSTRUCTION PERMIT

Permit number: **11EP3452F** Issuance: **4**
 Date issued: **October 6, 2022**
 Issued to: **Pioneer Sand Company Inc.**

Facility Name: Solberg Pit
 Plant AIRS ID: 041-2060-001
 Physical Location: 5445 Curtis Road, Highland Ranch
 County: El Paso
 General Description: Silica rock and alumina clay/shale mining

Equipment or activity subject to this permit:

Facility Equipment ID	AIRS Point	Description
N/A	001	Material extraction, handling, stockpiling.

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR POLLUTION PREVENTION AND CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS INCLUDED IN THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

REQUIREMENTS TO SELF-CERTIFY FOR FINAL APPROVAL

1. This construction permit represents final permit approval to operate this emissions source. Therefore, it is not necessary to self-certify. (Regulation Number 3, Part B, III.G.5).

EMISSION LIMITATIONS AND RECORDS

2. Emissions of air pollutants must not exceed the following limitations (as calculated using the emission factors included in the Notes to Permit Holder section of this permit). (Reference: Regulation Number 3, Part B, Section II.A.4)

Annual Emission Limits:

Facility Equipment ID	AIRS Point	Tons per Year					Emission Type
		TSP	PM ₁₀	PM _{2.5}	NO _x	CO	
N/A	001	20.3	5.4	0.6	--	--	Fugitive

Note: In the absence of credible evidence to the contrary, compliance with the fugitive emission limits is demonstrated by complying with the production limits listed below and by following the attached particulate emissions control plan.

PROCESS LIMITATIONS AND RECORDS

3. This source must be limited to the following maximum consumption, processing, and/or operational rates as listed below. Daily and annual records of the actual process rate must be maintained by the



applicant and made available to the Division for inspection upon request. (Reference: Regulation Number 3, Part B, II.A.4)

Production Limits

Facility Equipment ID	AIRS Point	Production Rate	Daily Limit (tons/day)	Annual Limit (tons/year)
N/A	001	Sand and gravel production	3,000	900,000

STATE AND FEDERAL REGULATORY REQUIREMENTS

- 4. Visible emissions from conveyors and transfer points must not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions must not exceed 30% opacity for more than six minutes in any sixty consecutive minutes. (Reference: Regulation Number 1, Section II.A.1. & 4.)

OPERATING & MAINTENANCE REQUIREMENTS

- 5. This source is not required to follow a Division-approved operating and maintenance plan.

COMPLIANCE TESTING AND SAMPLING

Initial Testing Requirements

- a. Initial testing is no longer required for this source.

Periodic Testing Requirements

- 6. Periodic testing is not required for this source.

ADDITIONAL REQUIREMENTS

- 7. All previous versions of this permit is canceled upon issuance of this permit.
- 8. The AIRS ID number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)
- 9. The particulate emission control measures listed on the attached page (as approved by the Division) must be applied to the particulate emission-producing sources as required by Regulation Number 1, Section III.D.1.b.
- 10. This permit is for the activities specified above; any additional process equipment (i.e. crushers, screens, etc.) to be located at this site must have a separate permit from the Division. (Reference: Regulation Number 3, Part B, III.E.)
- 11. A revised Air Pollutant Emission Notice (APEN) must be filed: (Reference: Regulation Number 3, Part A, II.C)
 - a. By April 30 of the year following a significant increase in emissions. A significant increase in emissions is defined as follows:
For any criteria pollutant:
For sources emitting less than 100 tons per year of a criteria pollutant, a change in annual actual emissions of five (5) tons per year or more, above the level reported on the last APEN; or

For volatile organic compounds (VOC) and nitrogen oxides sources (NO_x) in ozone nonattainment areas emitting **less than one hundred tons of VOC or NO_x per year**, a change in annual actual emissions of one (1) ton per year or more or five percent, whichever is greater, above the level reported on the last APEN; or

For sources emitting **100 tons per year or more of a criteria pollutant**, a change in annual actual emissions of five percent or fifty (50) tons per year or more, whichever is less, above the level reported on the last APEN submitted; or

For sources emitting **any amount of lead**, a change in actual emissions of fifty (50) pounds of lead above the level reported on the last APEN submitted.

For any non-criteria reportable pollutant:

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.

- b. Whenever there is a change in the owner or operator of any facility, process, activity; or
- c. Whenever new control equipment is installed, whenever a different type of control equipment replaces an existing type of control equipment; or
- d. Whenever a permit limitation must be modified; or
- e. No later than 30 days before the existing APEN expires.

GENERAL TERMS AND CONDITIONS:

- 12. This permit and any attachments must be retained and made available for inspection upon request. The permit may be reissued to a new owner by the Division as provided in Regulation Number 3, Part B, Section II.B upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.
- 13. If this permit specifically states that final approval has been granted, then the remainder of this condition is not applicable. Otherwise, the issuance of this construction permit is considered initial approval and does not provide "final" approval for this activity or operation of this source. Final approval of the permit must be secured from the APCD in writing in accordance with the provisions of 25-7-114.5(12)(a) C.R.S. and AQCC Regulation Number 3, Part B, Section III.G. Final approval cannot be granted until the operation or activity commences and has been verified by the APCD as conforming in all respects with the conditions of the permit. Once self-certification of all points has been reviewed and approved by the Division, it will provide written documentation of such final approval. **Details for obtaining final approval to operate are located in the Requirements to Self-Certify for Final Approval section of this permit.** The operator must retain the permit final approval letter issued by the Division after completion of self-certification with the most current construction permit.
- 14. This permit is issued in reliance upon the accuracy and completeness of the information supplied by the applicant and is conditioned upon the conduct of the activity, or construction, installation, and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity(ies) specifically identified in this permit. If subsequent operations or testing at the source indicate the information supplied to obtain this permit and relied upon in the creation and issuance of this permit is inaccurate, the source must submit an application to modify the permit to address the inaccuracy(ies). (Reference: Regulation Number 3, Part B III.E.)

By: 

Sunday A. Fadeyi, P.E.
Permit Engineer

Permit History:

Issuance	Date	Description
Issuance 1	July 24, 2012	Initial Approval issued to Pioneer Sand Co., Inc.
Issuance 2	June 17, 2014	Final approval letter issued.
Issuance 3	February 3, 2020	Production increased from 200,000 tons per year.
Issuance 4	This Issuance	Final Approval reissued to Pioneer Sand Company Inc.

Notes to Permit Holder (as of the permit issuance date):

- 1) The production or raw material processing limits and emission limits contained in this permit are based on the production/processing rates requested in the permit application. These limits may be revised upon request of the permittee providing there is no exceedence of any specific emission control regulation or any ambient air quality standard. A revised air pollutant emission notice (APEN) and application form must be submitted with a request for a permit revision. (Reference: Regulation Number 3, Part B II.A.4.)
- 2) This source is subject to the Common Provisions Regulation Part II, Subpart E, Affirmative Defense Provision for Excess Emissions During Malfunctions. The permittee must notify the Division of any malfunction condition which causes a violation of any emission limit or limits stated in this permit as soon as possible, but no later than noon of the next working day, followed by written notice to the Division addressing all of the criteria set forth in Part II.E.1. of the Common Provisions Regulation. See <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.
- 3) In accordance with C.R.S. 25-7-114.1, each Air Pollutant Emission Notice (APEN) associated with this permit is valid for a term of five years from the date it was received by the Division. A revised APEN must be submitted no later than 30 days before the five-year term expires. Please refer to the most recent annual fee invoice to determine the APEN expiration date for each emissions point associated with this permit. For any questions regarding a specific expiration date call the Division at (303)-692-3150.

4) This facility is classified as follows:

Applicable Requirement	Status
Operating Permit	Minor: PM
PSD	Minor: PM
NANSR	N/A

- 5) The permit holder is required to pay fees for the processing time for this permit. An invoice for these fees will be issued after the permit is issued. The permit holder must pay the invoice within 30 days of receipt of the invoice. Failure to pay the invoice will result in the revocation of this permit (Reference: Regulation Number 3, Part A, Section VI.B.)
- 6) Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the Division to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
- 7) Each condition of this permit is a material part hereof and is not severable. Any challenge to or appeal of a condition hereof must constitute a rejection of the entire permit and upon such occurrence, this permit must be deemed denied *ab initio*. This permit may be revoked at any time prior to self-certification and final authorization by the Division on grounds set forth in the Colorado Air Pollution Prevention and Control Act and regulations of the AQCC including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action.

- 8) Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollutant Emission Notice (APEN) must **pay an annual fee** to cover the costs of inspections and administration. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
- 9) Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil, or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.



PARTICULATE EMISSIONS CONTROL PLAN FOR MINING AND PROCESSING ACTIVITIES

THE FOLLOWING PARTICULATE EMISSIONS CONTROL MEASURES MUST BE USED FOR COMPLIANCE PURPOSES ON THE ACTIVITIES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NUMBER 1, SECTION III.D.1.b. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES:

- a. **Mining and Processing Activities** - Visible emissions must not exceed 20% and no off-property transport of visible emissions.
- b. **Haul Roads** - No off-property transport of visible emissions must apply to on-site haul roads; the nuisance guidelines must apply to off-site haul roads.
- c. **Haul Trucks** - There must be no off-property transport of visible emissions from haul trucks when operating on the property of the owner or operator. There must be no off-vehicle transport of visible emissions from the material in the haul trucks when operating off of the property of the owner or operator.

Control Measures

1. Adequate soil moisture must be maintained in topsoil and overburden to control emissions during removal. Watering must be implemented if necessary.
2. Topsoil stockpiles must be watered and revegetated within one year.
3. Emissions from material handling (i.e. removal, loading, and hauling) must be controlled by watering at all times unless natural moisture is sufficient to control emissions.
4. Haul roads must be watered as needed to control fugitive particulate emissions such that the above guidelines are met.
5. Reclamation works and sequential extraction of material must be initiated to keep the total disturbed areas at any one time to a minimum.
6. All disturbed areas must be watered as needed to control fugitive particulate emissions such that the above guidelines are met.



Dedicated to protecting and improving the health and environment of the people of Colorado

**CERTIFICATION TO DISCHARGE UNDER
 CDPS GENERAL PERMIT COG500000
 DISCHARGES ASSOCIATED WITH SAND & GRAVEL MINING AND PROCESSING
 (and other Nonmetallic Minerals except fuel)**

Certification Number: COG502217

This Certification to Discharge specifically authorizes:

Pioneer Landscaping Materials Inc.
 to discharge from the facility identified as

Solberg Gravel Pit
 to:
Black Squirrel Creek to Arkansas River

Facility Located at:	5445 Curtis Rd, Peyton, El Paso County, CO 80831
	Center Point Latitude 38.909037, Longitude -104.553373

Defined Discharge Outfall(s) to Surface Water	Outfall(s) Lat, Long	Discharge Outfall(s) Description	Receiving Stream
001A	38.910617, -104.553947	stormwater runoff from active sand and gravel mining area	Black Squirrel Creek to Chico Creek

All discharges must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts and other local agencies regarding any discharges to storm drain systems, conveyances, or other water courses under their jurisdiction.

Stormwater Monitoring Requirements

Permit Limitations and/or Monitoring Requirements apply to outfall 001A as outlined in the Permit in Part I.C.2 and Parts I.G through I.Q.

On the effective date of this certification, the Solberg Gravel Pit is subject to the monitoring requirements identified below at each discharge point of stormwater from the facility.

A. Visual monitoring, Part I.I.1

Per Part I.I.1 of the permit, the permittee must collect a stormwater sample from each outfall (or a substantially identical outfall pursuant to Part I.H.1 of the permit) and conduct a visual assessment of each of these samples once each quarter for the entire permit term.

B. WQBEL/Water Quality Standards, Part I.I.3

Discharges authorized under this permit must be controlled as necessary to meet applicable water quality standards.



Stormwater Reporting Requirements

ICIS Code	Description	Due date	Frequency
00308	The permittee shall submit an annual report to the division for the reporting period January 1 through December 31.	February 28	Annual(10)

Certification issued: 10/11/2022 Effective: 11/1/2022 Expiration Date: 12/31/2021

The general permit COG500000 expired 12/31/2021 and is administratively continued. This certification is also administratively continued. It will remain in effect until the general permit is renewed or other actions are taken.

This certification under the permit requires that specific actions be performed at designated times. The certification holder is legally obligated to comply with all terms and conditions of the permit.

Approved by
Andrea Stucky - Work Group Lead
Industrial & Natural Resource Extraction Permitting Unit
Permits Section
Water Quality Control Division

