

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

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December 9, 2013

Nathan A. Barton  
Wasteline, Inc.  
11501 Road 34  
Mancos, CO 81328

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta E. Piñeda  
Director

RE: Stone Sand & Gravel, LLC, File No. M-1983-028  
Wallace Pit, Permit Conversion Application - Adequacy Review

Dear Mr. Barton,

Listed below are adequacy review comments for the Wallace Pit Conversion Application, File No. M-1983-028. The decision date for this application is December 23, 2013. The Division of Reclamation, Mining, and Safety (Division) is required to make a decision by December 23, 2013. Therefore, your response to the following adequacy review concerns should be submitted to the Division as soon as possible.

### Rule 6.4.5 Exhibit E – Reclamation Plan

1. The response related to topsoil for reclamation, addressing the question regarding proposed export of excess topsoil from the site, is somewhat contradictory. The initial statement claims, "The average depth of topsoil on the site is 3 inches, and the reclamation plan commits to placing a minimum of 3 inches of soil on all areas to be reclaimed with soil." The plan proposes to reserve topsoil from areas with more than 3 inches to augment the areas with less. If the average depth of topsoil across the site is 3 inches, then theoretically, all topsoil at the site would need to be retained for reclamation purposes. However, later in the response, it states that "The operator commits to ensuring that adequate soil is available at any time for all disturbed areas which have not yet had soil placed on them to have a minimum of three inches of soil and more if available that year/area or reclamation, up to six inches of soil." The Division will accept this commitment, keeping in mind that the 6 inches of topsoil is the ideal overall goal. Please keep in mind that if an inspection of the site reveals that there is not adequate topsoil reserved at the site for topsoil replacement of at least 3 inches, and preferable 6 inches, over the disturbed areas, a bond increase which includes costs for purchase and transport of topsoil will be required.

### Rule 6.4.19 EXHIBIT S Permanent Man-made Structures

2. In that no agreement has been reached between the operator and McClellan et al., please indicated how closely mining will occur to the structures on the McClellan property, to what depth mining will occur adjacent to the property and at what slope mining will occur adjacent to McClellan property, so that the Division can review the risk of damage to structures located there.

Please be advised that the Stone Sand & Gravel, LLC, Wallace Pit Conversion Application may be deemed inadequate, and the application may be denied December 23, 2013 unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. Responses to these adequacy concerns must be received by the Division to allow adequate time for review prior to the decision date. If you feel more time is needed to complete your reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of your right to a decision by December 23, 2013 and request for additional time. This request must be received no later than December 23, 2013. Please be aware that depending on the answers that are received regarding the above adequacy issues, the Division may have further adequacy questions. The Division may also have additional adequacy questions once the site has undergone an inspection related to this application.

If you have any questions, please do not hesitate to call me at (970) 259-5861.

Sincerely,



Kate Pickford  
Environmental Protection Specialist