



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

September 17, 2014

Rudy Torres
Riverside Aggregates, LLC
1750 County Road HH
Lamar, CO 81052

Re: Friederichs Pit, Permit No. M-2010-080, Receipt of 110 to 112 Construction Materials Reclamation Permit Conversion Application Package (CN-01) - Incomplete

Mr. Torres,

On September 11, 2011, the Division of Reclamation, Mining and Safety (Division) received your 110 to 112 Construction Materials Reclamation Permit Conversion Application package for the Friederichs Pit, Permit No. M-2010-080. Preliminary review of the information received determined the following items must be received before the Division can consider the application as being submitted (complete) and technical review can begin:

Permit Application Requirements:

- 1) You submitted Exhibits for a 110c permit. Please submit Exhibits for a 112c permit. Please make sure that all documents and maps submitted have the correct Exhibit heading in accordance with the Exhibits required for a 112c permit.

For your reference, a 112c permit application and the section of Rules pertaining to 112c permit application Exhibits are enclosed with this letter.

- 2) You did not submit pages 5 and 6 of the 112c permit application with the "Responsibilities as a Permittee" section. Please read and initial each requirement in this section and submit it with your application.
- 3) The site name should be consistent in all documents, signed letters, notices, maps, etc. In the application you submitted, sometimes "Friederichs Pit" is used, and at other times "Friederichs Pit 112" is used for the site name. If you would like to change the site name to "Friederichs Pit 112", please make sure this name is used in ALL documents submitted.
- 4) The legal-right-to-enter letter from the landowner should be notarized.
- 5) It appears that the Applicant has already started publishing the Public Notices for this permit. However, publication of this notice cannot begin until the application has been called complete. The Division will notify you when the application has been called complete, and you will have ten (10) days from the completeness date to begin publishing your notice. The notice must be published once a week for four (4) consecutive weeks.



Per Rule 1.6.5(2), within ten (10) working days after the last publication or as soon thereafter as proof has been obtained, the Applicant shall mail proof of the publication required by Rule 1.6.2(1)(d) to the Division. Proof of Publication may consist of either a copy of the last newspaper publication to include the date published, or a notarized statement from the paper.

- 6) In your notices, you have the proposed Date of Commencement as September 2014. However, the Applicant should be aware that the Decision Date for this application will be set 90 days from the date we call the application complete (unless there are objections). As of now, the application has not been called complete. It is not necessary that this date be changed in the notices; however, the Applicant should be aware that mining can commence only after the permit has been issued.
- 7) In your notices, you have the Final Date for Comments as August 15, 2014. This is not correct. As of now, the application has not been called complete; therefore, the Final Date for Comments has not been established. The Final Date for Comments would be the 20th day after the 4th publication or the next business day. (Please refer to #5 comments above for information on the publication process.) Once your application has been called complete, and you know the date that your first publication will occur, then the Final Date for Comments can be established.

After you have received notification from the Division that your application is complete, please correct the Final Date for Comments on all public notices, including:

- a) the notice (sign) posted at the site
- b) the notice sent to the adjacent land owner
- c) the notice that will be published after the application is called complete

Proof of (a) and (b) will need to be submitted with the revised application. Proof of (c) will need to be submitted within 10 working days after the last publication (as stated in #5 comments above).

- 8) Please provide an affidavit or receipt indicating the date on which the revised application document was placed with the local County Clerk and Recorder in response to this letter.

Your application will not be considered filed (complete) until the information listed above is received and found sufficient to begin our review. A decision date will be established 90 days from the date of receipt of all of the requested information.

You have sixty (60) days from the original incompleteness date to submit all necessary documents the Division needs for an application to be considered filed (complete). If, at the end of the 60-day period, the application has not been determined to be filed (complete) with the Division, the application will be denied and the application file will be terminated.

The response due date is November 16, 2014.

This letter shall not be construed to mean that there are no other technical deficiencies in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act after you have submitted all the required items listed above.



If you need additional information, please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

CERTIFIED MAIL No: 7012 3460 0000 6384 8307
Return Receipt Requested

Enclosure(s): Construction Material Regular (112) Operation Reclamation Permit Application Package
Mineral Rules and Regulations pertaining to 112c Permit application requirements

CC: Tom Kaldenbach, DRMS

