



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

September 30, 2014

Jason McGraw
General Shale Brick, Inc.
1845 W. Dartmouth Ave.
Denver, CO 80110-1308

RE: Apache 9; DRMS File No. M-1978-009;
Preliminary Adequacy Review - Technical Revision No. 1 (TR-01)

Dear Mr. McGraw,

The Division of Reclamation, Mining and Safety (Division) received Technical Revision No. 1 for the above referenced site on September 17, 2014. The decision date for this Technical Revision is October 17, 2014. The Division has reviewed the Technical Revision Application and has the following comments:

1. Please provide a map which depicts the approximate location where the scrap brick and block will be backfilled.
2. Please indicate if the final contours which are depicted on the most recently approved Reclamation Plan Map will change. If so, provide a revised Reclamation Plan Map which shows the proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands.
3. The Division is concerned with the potential for sinkholes developing over the long term due to piping where voids occur and/or compaction is insufficient. The formation of sinkholes is not considered compatible with the approved rangeland post-mining land use (reference Rule 3.1.5(9)(e). Per Construction Materials Rule 3.1.5(9)(f), please provide additional detail on how the scrap brick will be blended with overburden material so that voids in the backfilled area do not occur. In addition, describe how complete compaction of the backfilled material will be achieved with 5 to 10 foot lifts.
4. The Operator is proposing to import scrap brick and block over a period of two years, with the imported material remaining in a stockpile until the operation enters final reclamation. Please note that the Division must bond for all non-product stockpiles which will be used during reclamation. Alternately, the Operator may blend and backfill the scrap brick and



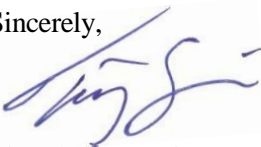
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block into the pit as it is imported to the site. If the scrap brick is immediately backfilled, then an adjustment of the financial warranty will not be necessary. Please clarify if the scrap brick and block will be stockpiled or if it will be blended and backfilled upon importation of the material.

This concludes the Division's preliminary adequacy review of this Technical Revision. Please remember that the decision date for this Technical Revision is October 17, 2014. As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to this date, **it will be your responsibility to request an extension of time to allow for continued review of this Technical Revision.** If there are still unresolved issues when the decision date arrives and no extension has been requested, the Technical Revision will be denied.

If you have any questions, please contact me at (303)866-3567 x8169.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy A. Cazier', is positioned above the printed name.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

ec: Tom Kaldenbach, DRMS
DRMS file