

October 7, 2015

Peter Babin  
Calx Minerals, LLC  
2080 W Hamilton Pl  
Sheridan, CO 80110



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

**RE: Mid-Continent LST, File No. M-1982-121 , Technical Revision (TR-4) Adequacy Review 1, Rebar Clarification**

Dear Mr. Babin:

In conversations with Ben Miller of Lewicki and Associates concern was expressed towards adequacy item 10a, inert material be free of rebar and other reinforcements.

The Division would like to clarify its requirements regarding material encased in concert or cement. No rebar or other protruding reinforcements may be buried as fill. All material containing rebar and reinforcements must be buried to a minimum of 3 feet below final surface grade. The Division notes that the site is on BLM lands and is unsure of their regulations regarding this activity. Prior to the operator engaging in the above mentioned activities the operator shall provide proof to the Division that said activity is acceptable under the approved BLM permit.

Rational for the above mentioned stipulations are as follows: Though the definitions of inert fill per Rule 1.1 (20) and 3.1.5(9)(c) does not specifically preclude rebar and other reinforcements it does not explicitly permit them either. Both rules clearly state "the material is clean and inert". It is the Division's position, backed by the Mined Land Reclamation Board, that the term "clean" references any type of material that would be deleterious to the final reclamation. Rebar, other steel, PVC pipe, and other materials while inert are not considered "clean" fill. It has been found that over time burying material less than 3 feet below the surface doesn't prevent rebar and other debris from coming to surface through natural subsidence and reclamation processes. This potential for exposure is a significant safety risk as well as a final reclamation liability which shall be avoided.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 970-254-8511 or via email at amy.yeldell@state.co.us

Sincerely,

**Amy Yeldell**  
Environmental Protection Specialist  
Department of Natural Resources  
Division of Reclamation, Mining and Safety  
Phone: (970) 254-8511



Ec:

Russ Means, Senior EPS / Field Office Supervisor, Grand Junction DRMS

Pauline Adams, BLM-Colorado River Valley Field Office

Ben Miller, Greg Lewicki and Associates