

**STATE OF
COLORADO****Ebert - DNR, Jared** <jared.ebert@state.co.us>

response to adequacy review #3 - PVRE Pit #1 M-2017-009

3 messages

Randy Schafer <randy.schafer@phillipscounty.co>
To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>
Cc: R & J Schafer <RJSchafer@haxtuntel.net>, Dan Long <longdel@hotmail.com>

Fri, May 19, 2017 at 4:46 PM

Jared,

Attached is the response to your Adequacy Review No. 3 dated May 12, 2017. I will put it in the mail tomorrow. Please let me know if there are still any outstanding issues. Thanks. Have a great weekend.

Randy Schafer

 **pvre_pit_no_1_response_5_19_2017.pdf**
680K

Ebert - DNR, Jared <jared.ebert@state.co.us>
To: Randy Schafer <randy.schafer@phillipscounty.co>
Cc: R & J Schafer <RJSchafer@haxtuntel.net>, Dan Long <longdel@hotmail.com>

Mon, May 22, 2017 at 7:24 AM

Hello Mr. Schafer,

A change in the proposed location of the permit area constitutes a Technical Revision to the 110 permit application. Per Rule 1.8.2 the Office shall set a new date for the consideration of a technical revision to an application as necessary to afford an adequate opportunity for a review of the technical revision. Given this, the Division has set the decision date for the application to June 1st, 2017.

Thank you,
[Quoted text hidden]
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Jared Ebert

Environmental Protection Specialist III



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

P 303.866.3567 ext. 8120 | F 303.832.8106 |

1313 Sherman St., Room 215, Denver, CO 80203

jared.ebert@state.co.us | mining.state.co.us

Ebert - DNR, Jared <jared.ebert@state.co.us>

Mon, May 22, 2017 at 7:24 AM

5/22/2017

State.co.us Executive Branch Mail - response to adequacy review #3 - PVRE Pit #1 M-2017-009

To: randy.schafer@phillipscounty.co

Your message

To: Ebert - DNR, Jared

Subject: response to adequacy review #3 - PVRE Pit #1 M-2017-009

Sent: 5/19/17, 4:46:42 PM MDT

was read on 5/22/17, 7:24:10 AM MDT

May 15, 2017

Mr. Jared Ebert
Environmental Protection Specialist III
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215

RE: PVRE Pit #1, M-2017-009, New 110 Construction Materials Reclamation Permit Application, Adequacy Review No. 3

Dear Mr. Ebert:

We are submitting a response and information to your adequacy Review No. 3 dated May 12, 2017. All responses are in bold print.

Rule 6.3.3. Exhibit C – Mining Plan

10) Has “Jack’s Lane” been constructed? If so, please provide a description of this road and a picture of this road and indicate if the road will be improved to support the mining operation. Based on the definition of “Affected Land” in Rule 1.1(3), roads must be included as affected land unless the road existed prior to the date on which a permit application was made to the Office and which was constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation. Also, per Rule 6.3.3(g), new or improved roads must be included as part of the permitted acreage. If the road does not exist, it must be included in permit acreage, and given that the proposed permit area is already 9.9 acres including this road would require the applicant to withdraw this 110 Limited Impact Operation application and submit a 112 application or reduce the proposed permit area below the 10 acre Limited Impact Operation threshold.

a. *PVRE, LLC. Response:* Jack’s Lane is a new road which will service Platte Valley Industrial Park, a new subdivision which is currently being proposed by Platte Valley Real Estate LLC and is under review by Logan County. We would argue that the primary function of this roadway is to serve the new industrial lots being created in the Platte Valley Industrial Park subdivision. It will be in place and serve that function for many years above and beyond the life of this pit. A copy of the subdivision plat is attached. The gravel pit operation will simply be using a roadway built for the industrial property owners. The subdivision roadway has not been included in the 9.9 acres at this time.

b. *DRMS Response:* Per Rule 1.1(3) and 6.3.3(g), new or improved roads must be included as part of the permitted acreage. C.R.S. 34-32.5-103(1) states for a road not be considered as part of the affected land it must have been in existence before a permit application was filed with the office. As this road is not currently in existence, the acreage associated with it must be included in the permit acreage/affected land acreage. Since the proposed permit area is already 9.9 acres including this road would require the applicant to withdraw this 110 Limited Impact Operation application and submit a 112 application or reduce the proposed permit area below the 10 acre Limited Impact Operation threshold while including the road acreage. If the latter option is chosen, the applicant will need to file a Technical Revision to the application in accordance with Rule 1.8. The revision shall include revised application Exhibits as applicable to account for including the road area within the permit boundary.

We will continue to complete the requirements for a 110 application. The permitted acreage will be changed to include Jack’s Lane from the NW corner of the pit to Edith Road. The roadway itself will be 20’ by 1050’ or approximately 0.5 acre. The affected pit area will be reduced to 9.4 acres. Maps will be revised and included as necessary.

Exhibit 6.3.4, Exhibit D – Reclamation Plan

15) The Division has reviewed the reclamation cost estimate submitted. The backfilling and grading cost and topsoil replacement cost will depend on how you address the adequacy review items above. Also, please address the following issues:

b. The reclamation plan and mining plan narrative indicate that it is not clear if groundwater will be exposed and fill the pit area. Based on the Division's knowledge of the area and of a nearby mine site, it is very likely the operator will encounter ground water at shallow depths likely near the 7 foot depth. The cost estimate submitted is based on the assumption that a ground water pond will be created. In order to address the financial liability associated with the exposure of groundwater, the operator must first obtain a permanent augmentation plan from the Office of the State Engineer (SEO) prior to exposing ground water or the permittee may post a bond to either:

- i. Option A: backfill the pit to at least two feet above the static ground water level.
- ii. Option B: install an impervious clay liner or slurry wall to isolate the pit from the ground water table.

Either supply evidence a permanent plan for augmentation has been obtained for the exposure of groundwater or provide an estimated cost for either bonding for option A or B discussed above. Or, you may commit to not exposing groundwater until a permanent plan for augmentation has been obtained for the entire projected area of exposed groundwater. If the latter option is chosen please revise the mining plan with this commitment.

iii. *PVRE Response:* We are currently in discussion concerning a permanent plan for augmentation. To allow time to complete that plan, we are hereby committing not to exposing groundwater until a permanent plan for augmentation has been obtained for the entire projected area of exposed groundwater.

iv. *DRMS Response:* PVRE has committed not to expose groundwater until a permanent plan for augmentation has been obtained for the entire projected area of exposed groundwater. Given this, the Division will place a stipulation to the approval of this application that PVRE must submit evidence to the Division that a permanent plan for augmentation has been obtained prior to exposing groundwater.

We acknowledge that a stipulation will be made requiring evidence of a permanent plan for augmentation prior to any exposure of groundwater.

c. The reclamation plan indicates the entire pit area will have overburden and topsoil replaced. The cost estimate only estimates that cost to replace topsoil over 2.4 acres. Please revise the estimate for topsoil replacement to cover the entire 9.9 acre affected area with topsoil.

v. *PVRE Response:* Assuming the pit's final disposition is a pond, it will be impossible to place overburden and topsoil on slopes under water. They will be placed around the perimeter and on any slope down to water's edge. Our estimate of that area is 2.4 acres. The cost estimated has been revised to include an increased depth of 17" (1.42') but does not reflect covering the entire 9.9 acres. I am also including a cost estimate showing top soil replacement for 9.9 acres but do not believe that will be the end result.

vi. *DRMS Response:* The applicant has committed to not exposing groundwater until a permanent plan of augmentation has been obtained. Given this, a pond may not be created initially so the Division's cost estimate will include the cost of spreading topsoil and overburden over the entire 9.9 acres. Once the applicant has obtained a permanent plan of augmentation and a pond can be created, the applicant can request a surety reduction to reduce the amount of bond needed to only spread topsoil/overburden over the areas above the waterline.

We will submit a revised cost estimate based on 9.4 acres. The 0.5-acre roadway will not be reclaimed. It will be a permanent roadway serving the newly created subdivision known as Platte Valley Industrial Park. We recognize that we can seek a surety reduction once a permanent plan of augmentation is in place.

e. Please revise the estimate for revegetation for the entire 9.9 acre affected area.

vii. *PVRE Response:* We can provide an estimate for revegetation that would include the entire 9.9 acres, but that seems to fly in the face of facts. Looking at a google earth map of the immediate area (see attached) shows that any excavation that has occurred in this immediate area has resulted in a pond. The proximity to the South Platte River and the high water table almost make this a certainty.

Again, assuming the pit's final disposition is a pond, re-vegetation will not be possible for the entire 9.9 acres. The cost estimate is based on revegetation of that area projected to lie outside the pond. I am also including a cost estimate showing top soil replacement for 9.9 acres but do not believe that will be the end result.

viii. *DRMS Response:* Similar to the item above, since the applicant has committed to not exposing groundwater until a permanent augmentation plan has been obtained, a pond will not be created initially. Given this, the Division's cost estimate will include the revegetation of the entire 9.9 acre affected area.

Our revised cost estimate will include revegetation of 9.4 acres. The roadway will not be revegetated. It is a permanent roadway serving the newly created subdivision known as Platte Valley Industrial Park.

Reclamation Cost Estimate

estimate supplied with the application at this point in the review process. Given adequacy review item #10 and the new road, either the mining and reclamation plan will need to be changed to include the road within this permit area or a 112 application will need to be submitted. Given this, the Division cannot conduct a cost estimate at this time.

We assume the information provided will allow the Division to complete a cost estimate.

We hope this responds to the questions and issues raised at this point. Please let us know if any additional information is needed. My phone number is 970-520-0502. I can be reached at email addresses rjschafer@haxtuntel.net or randy.schafer@phillipscounty.co.

Sincerely,



Randy Schafer

CC: Dan E. Long, Platte Valley Real Estate, LLC
Logan County Clerk

Attachments: Revised maps
Revised cost estimate information

PVRE Pit #1 Calculation Notes

Alternative Cost Estimate

Calculations are based on work to an estimated 9.4 acres.

Backfilling and grading

43,560 sq.ft. Area	x	9.4 Ac.	=	409,464 sq.ft.
409,464 sq.ft.	x	1 ft. (depth)	=	409,464 cu.ft.
409,464 cu.ft.	/	27 cu.ft.	=	<u>15,165</u> CY

9.4 Ac/	x	43,560 sq.ft. Area in Acre	=	<u>409,464</u> sq.ft.
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409,464 sq.ft.	x	Depth	=	<u>1</u> ft.
409,464 sq.ft.				409,464 cu.ft.

409,464 cu.ft.	/	27 cu.ft.	=	15,165 CY
			+	<u>15,165</u> CY
		Total Cubic Yards to move		30,331 CY

Dozer will move 795 CY/Hour

30,331 CY	/	795 CY/hour	=	38.2 Hrs.
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Replace Topsoil/Overburden

1.42 ft. (inches of. topsoil)	x	409,464	=	581,439 cu.ft.
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581,439 cu.ft.	/	27 cu.ft.	=	21,535 CY
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Speedy Mover will move 117 CY/Hour

21,535 CY	/	117 CY/Hour	=	184.1 Hrs.
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Cost Estimate for Reclamation
Alternative Cost Estimate

The estimated area in the PVRE Pit #1 that would require seeding is 9.4 acres.
 There is 14-17" of topsoil at the site. We would attempt to start a cover crop on the entire area.
 After the cover crop is established,
 the grass will be planted as recommended by the Natural Resource Conservation Service.
 The cost units below already include labor and fuel. The cover crop and grass seeding costs were obtained from the Natural Resource Conservation Service and have been based on Conservation Reserve Program costs.
 The other unit costs were obtained from a local contractor who is equipped to perform reclamation if PVRE were to default on the reclamation plan.

PVRE Pit #1

<u>Task</u>	<u>Volumes</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Item Cost</u>
Backfill and Grade		38.2 Hours	\$115.00	\$4,393.00
Replace Topsoil/Overburden				
Tractor/Speedy Mover		184.1 Hours	\$75.00	\$13,807.50
Revegetate Site				
Cover crop		9.4 Acres	\$45.00	\$423.00
Grass seeding		9.4 Acres	\$45.00	\$423.00
Seed		137.89 Lbs.	\$10.75	\$1,482.32
		(9.4 acres x 14.67 # PLS/Acre)		
Mobilization				
Tractor/Speedy Mover		1 Hours	\$75.00	\$75.00
Dozer		1 Hours	\$115.00	\$115.00
TOTAL				\$20,718.82

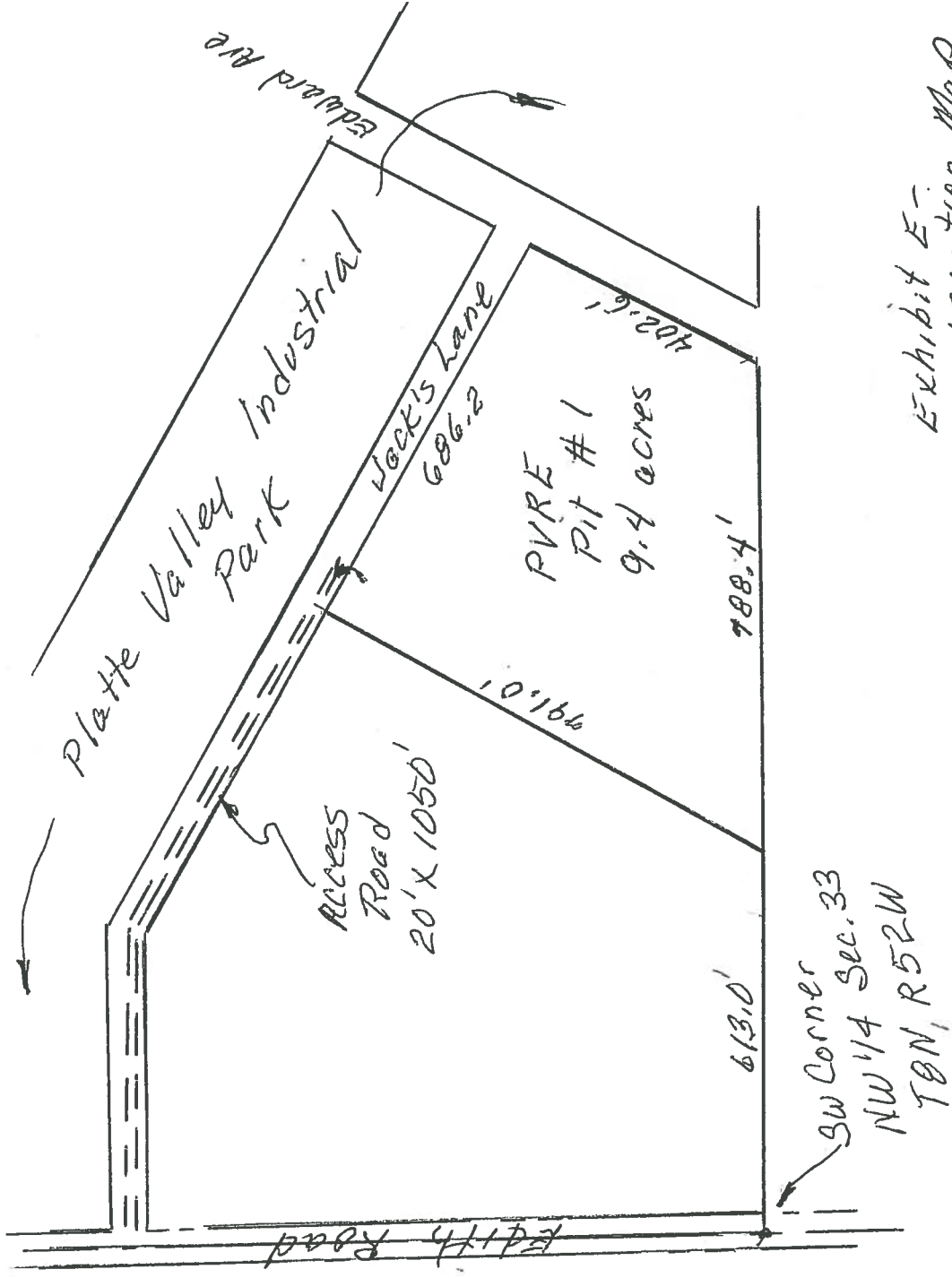
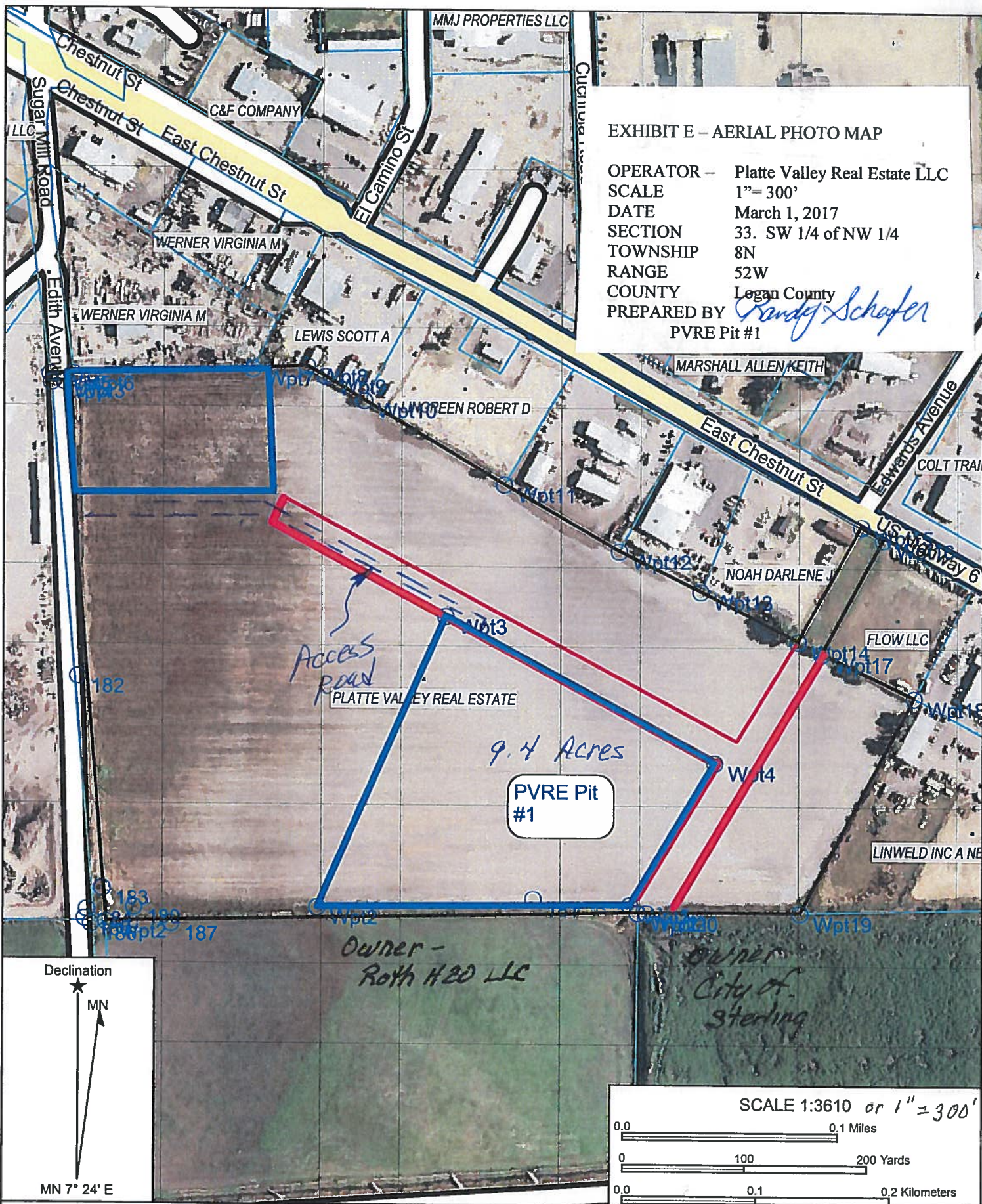


Exhibit E-
Location Map
Operator Platte Valley Real Estate
Not to Scale
May 18, 2017
Logan County
Prepared by *Randy Schopen*
PVRE Pit #1



Name: STERLING SOUTH NW, CO
Date: 02/28/17
Scale: 1 inch = 300 ft.

Location: 040° 37' 13.5175" N, 103° 11' 52.2488" W
PVRE Pit #1

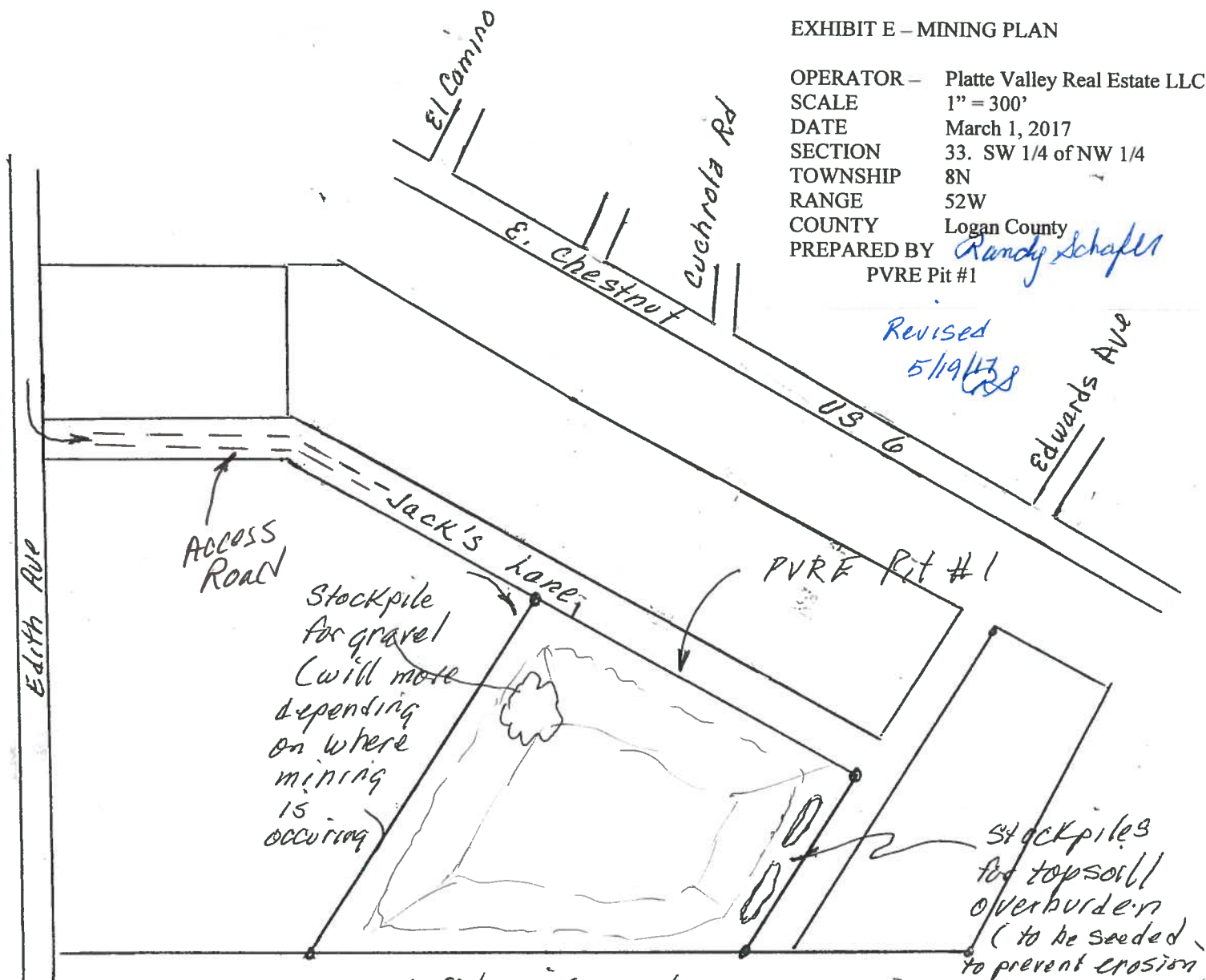
Revised 5/3/17

Revised 5/19/17

EXHIBIT E - MINING PLAN

OPERATOR - Platte Valley Real Estate LLC
 SCALE 1" = 300'
 DATE March 1, 2017
 SECTION 33. SW 1/4 of NW 1/4
 TOWNSHIP 8N
 RANGE 52W
 COUNTY Logan County
 PREPARED BY *Randy Schaffer*
 PVRE Pit #1

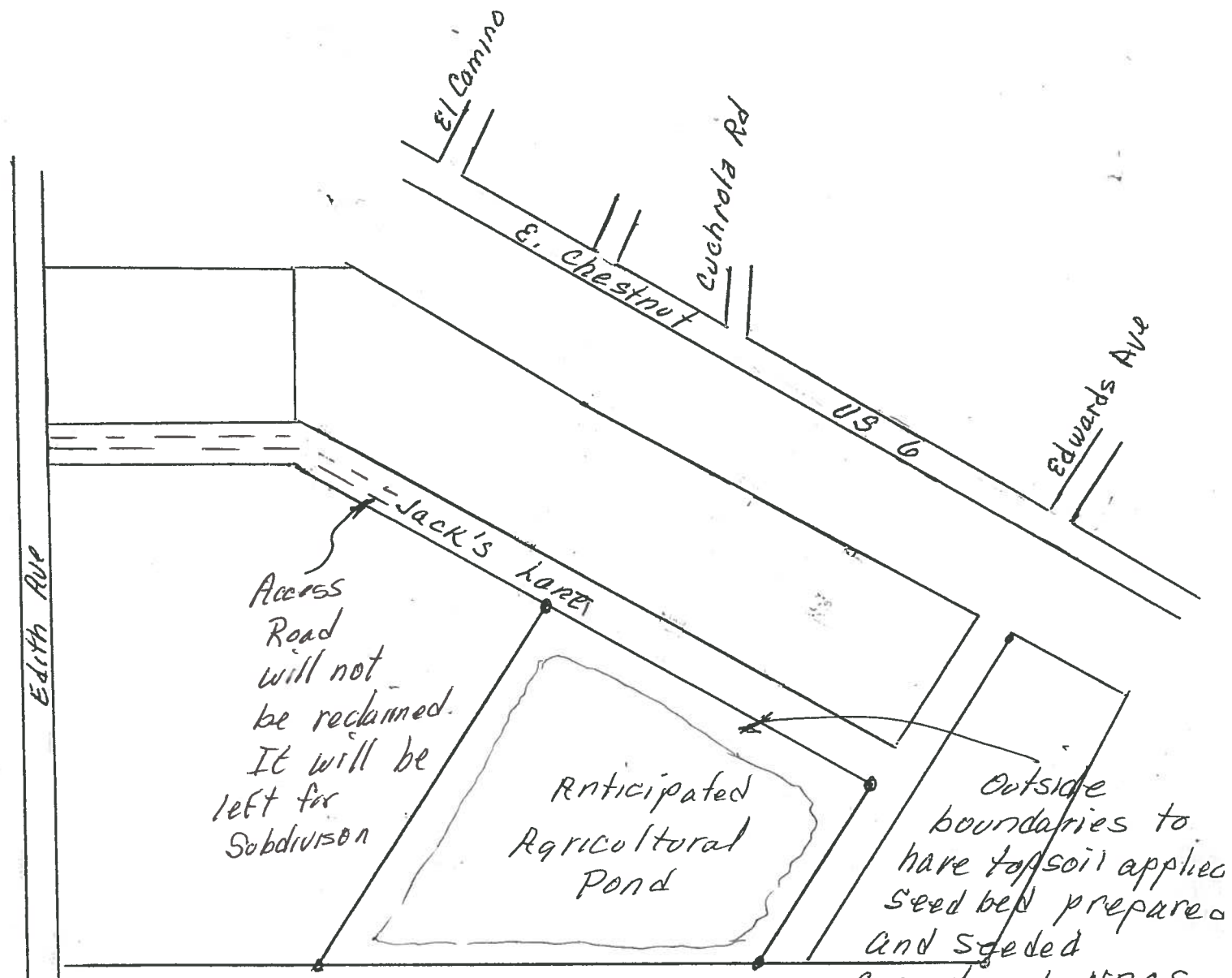
*Revised
5/19/17*



- 5) Assuming the pit fills with water all side walls 5' above water line to 10' below will be 3:1; slopes below that 2:1.
- 6) Mining is anticipated to a depth of 20-30'.
- 7) Augmentation will be provided by PVRE.
- 8) Processing may occur at the site.
- 9) Gravel may be stockpiled before removal to concrete plant.

Mining Plan

- 1) Access to pit by Jack's Lane (being built to serve new subdivision)
- 2) All topsoil/overburden will be stripped and stockpiled prior to mining
- 3) We anticipate that groundwater may be encountered due to proximity to S. Platte River
- 4) Mining will commence toward center and proceed outward



Reclamation Plan

- 1) When mining is complete we assume a pond may exist due to proximity to S. Platte River.
- 2) All areas outside any pond will have topsoil/overburden re-applied in same proportion it was removed.
- 3) Seedbed will be prepared and seeding occur as recommended by NRCS.
- 4) If pond results, all side slopes will, be minimum of 3:1 from 5' above water to
- 5) If there is no pond, side slopes will be 3:1 and fully Seeded.

EXHIBIT E - RECLAMATION PLAN

OPERATOR - Platte Valley Real Estate LLC
SCALE 1" = 300'
DATE March 1, 2017
SECTION 33. SW 1/4 of NW 1/4
TOWNSHIP 8N
RANGE 52W
COUNTY Logan County
PREPARED BY *Randy Schaefer*
PVRE Pit #1

*Revised
5/19/17*