



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

January 25, 2018

Matthew Welte
Summit Brick & Tile Co.
P.O. Box 533
Pueblo, CO 81002

RE: Adequacy Review #4, AM-03, Fox #1 Clay Mine, Permit No. M-1977-219

Dear Mr. Welte,

The Division of Reclamation, Mining and Safety (Division) has reviewed the content of the January 25, 2018 adequacy review response #3 for the Construction Materials 112c Permit Amendment Application (AM-03) for the Fox #1 Clay Mine, File No. M-1977-219, and submits the following comments.

During the AM-03 public comment period the Division received timely objections. Pursuant to Rule 1.4.9(2)(a) and 1.7.4(2), the Division has scheduled the application for consideration by the Mined Land Reclamation Board during the February 21-22, 2018 Board meeting. **Pursuant to Rule 1.4.9, on or before January 30, 2018, the Division shall issue its recommendation to the Board for approval, approval with conditions, or denial of the amendment application; therefore, a response to the following adequacy review concerns should be submitted to the Division as soon as possible.** To allow the Division adequate time to review your responses to the adequacy issues, please submit your adequacy responses no later than one week prior to the recommendation date. Please respond to this letter with the requested additional/updated information on permit replacement pages and/or exhibits and summarize each response in a cover letter titled "Adequacy Review Response #4, AM-03, M-1977-219".

The review consisted of comparing the application with specific requirements of Rules 1, 3, and 6 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. Any inadequacies are identified under the respective exhibit.

EXHIBIT D - Mining Plan (Rule 6.4.4):

60. In response to Adequacy Item #55, the Applicant provided a revised and updated Blasting Plan in accordance with Rule 6.4.4(i) and Rule 6.5(4). The Division has reviewed the new submittal and provides the following inadequacies:

- 60.1** In response to Adequacy Item #55.3, the Applicant states a one-mile setback line around the permit was used to determine structures which qualify for a pre-blast survey. The Division believes this is in error as other sections of the blasting plan state the distance being one-half mile. Please revise this accordingly and re-submit a new page 2 of the Adequacy Response #3.
- 60.2** Within the Blasting Plan, under Pre-Blast Survey Procedure (third paragraph), please clarify the pre-blast survey will be conducted on areas one-half mile from the entire new mining area prior to opening the new mining area.



- 60.3** Within the Blasting Plan, under Blast Design and Layout (fifth paragraph), the Division believes there is an error in regards to the distance to the closest non-owned structure. Please revise this accordingly and provide further details regarding which structure this is as well as the distance to this structure from the active blasting versus the distance from the permit boundary.
- 60.4** Please outline the nine mining areas on the Blasting Map.
- 60.5** It appears the house owned by the Applicant, where the initial seismograph and microphone will be placed is not included on the Blasting Map nor on the list of houses within one-half mile. Although this structure is owned by the applicant, please update the map and list to include this house.
- 60.6** The Division requests a map which shows the active Mining Area A which shows the one-half mile buffer area and identifies the current houses which qualify for the first Pre-Blast Survey.

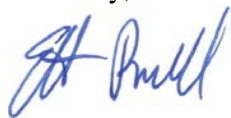
EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18):

- 61.** In response to Adequacy Item #59, the Applicant states they will provide proof of placement for the public review file. No proof was submitted with the Adequacy Review Response nor has the Division received proof since the submittal of the Adequacy Review Response. Please submit proof that the public review copy has been updated with a copy of the Adequacy Review Response #3.
- 62.** Any changes or additions to the application on file in our office must also be reflected in the public review copy. Please submit proof that the public review copy has been updated with a copy of the response to this adequacy letter.

This concludes the Division's forth adequacy review of AM-03. This letter shall not be interpreted to mean that there are no other technical deficiencies in AM-03, as other issues may arise when additional information is supplied. Be advised that the 112c permit amendment application for the Fox #1 Clay Mine may be deemed inadequate, and the application may be recommended to be denied on January 30, 2018, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. **If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a request for a specific amount of additional time. This must be received no later than the deadline date.**

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Cc: Wally Erickson with DRMS
Steve O'Brian with Environment, Inc., Environment-inc@outdrs.net