



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

1313 Sherman Street, Room 215
Denver, CO 80203

July 6, 2018

Mr. Bruce Humphries
Regulatory Permits Management, Inc.
22151 E. Euclid Pl.
Aurora, CO 80016

Re: Elbert County; Belveal Gravel Pit; File No. M-2001-056; 110 to 112 Construction Materials Reclamation Permit Conversion Application Package (CN-01) Adequacy Review

Mr. Humphries:

The Division of Reclamation, Mining and Safety (Division/DRMS) reviewed the content of the Elbert County 110 to 112 construction materials conversion permit application for the Belveal Gravel Pit, File No. M-2001-056 and submits the following comments. The Division is required to make an approval or denial decision no later than September 3, 2018 therefore; a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

The review consisted of comparing the conversion application content with specific requirements of Rules 1, 3, 6.1, 6.2, 6.4 and 6.5 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 heading along with suggested actions to correct them.

1.6 Public Notice

1. As required by Rules 1.6.2(d) and 1.6.5(2), please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.
2. As required by Rule 1.6.2(e), please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected lands, including all easement holders located on the affected land and within 200 feet of the boundary of the affected lands. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.



- The Division received proof of notice for the owner of record of surface and mineral rights, Mr. Belveal, via email on June 12, 2018
 - The Division received proof of notice to Elbert County via email on June 26, 2018
3. The Division received comments from Army Corps of Engineers. The letter is attached for review. Please address the comments noted in the letter and make any changes to the application as needed.

6.4 Specific Exhibit Requirements - Regular 112 Operations

The following items must be addressed by the Applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

6.4.4 Exhibit D - Mining Plan

4. The Applicant states an asphalt batch plant will be installed at the site. Please provide evidence the operation of an asphalt plant is acceptable under the Elbert County zoning regulations and special use permit.
5. The Applicant states topsoil and overburden, if any, will be placed in stockpiles until needed for site reclamation. Please commit to seeding the topsoil and overburden stockpiles within 180 days of placement with the proposed topsoil stabilization seed mix to stabilize and protect the stockpiles from erosion pursuant to Rule 3.1.9.
6. The Applicant states the ephemeral drainage should not be impacted significantly by the mining operation since appropriate Best Management Practices (BMPs) will be part of the proposed expansion operation. Please provide the Division with the BMP plan to prevent impacts to the ephemeral drainage.

6.4.5 Exhibit E - Reclamation Plan

7. The Applicant states in Section 3.1.6(3), all topsoil piles, if not added to or used within two years, will be seeded with the approved topsoil stabilization seed mix. As mentioned in Item #5 above, please commit to seeding the topsoil and overburden stockpiles within 180 days of placement with the proposed topsoil stabilization seed mix to stabilize and protect the stockpiles from erosion pursuant to Rule 3.1.9.
8. The Applicant states in Section 3.1.9, where topsoil stockpiles will not be disturbed for at least two years, the topsoil stockpiles will be seeded with the approved topsoil pile seed mix. As mentioned in Items #5 and #7 above, please commit to seeding the topsoil and overburden stockpiles within 180 days of placement with the proposed topsoil

stabilization seed mix to stabilize and protect the stockpiles from erosion pursuant to Rule 3.1.9.

9. The Applicant states in Section 3.1.9(8), any shrubs which need to be removed will either be taken to an approved landfill or disposed as part of the backfill in a dry portion of the existing mining operation. Rule 1.1(20) states inert material means non-water-soluble and non-putrescible solids. Shrubs are putrescible material and cannot be used as backfill material. Please commit to disposing of all putrescible materials in an approved landfill.

6.4.13 Exhibit M - Other Permits and Licenses

10. Please commit to providing the Division will copies of the approved permits and licenses required for the operation of the mining operation, including but not limited to the following permits:
 - a. Colorado Air Pollution Control Division Fugitive Dust Permit and Air Pollution Emission Notice (APEN)
 - b. Colorado Water Quality Control Commission Stormwater Discharge Permit
 - c. Colorado Water Quality Control Commission, CPDES Permit
 - d. County of Elbert Special Use Permit

6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder

11. Please provided an affidavit or receipt indicating the date on which the revised application information required to address this adequacy letter was placed with the Elbert County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

6.4.19 Exhibit S - Permanent Man-made Structures

Where the mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant may either:

- a. provide a notarized agreement between the Applicant and the person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b. where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

- c. where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

12. Please provide the Division with copies of the notarized structure agreements with all owners of the structures on and within 200 feet of the affected area of the proposed mine site.

- a. During the pre-operational inspection, it was determined the stockpen adjacent to the access road was within 200 feet of the affected area. Please provide a notarized structure agreement with the owner of the stockpen pursuant to Rule 6.4.19(a).

Please be advised the Belveal Gravel Pit conversion application may be deemed inadequate, and the application may be denied on September 3, 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 written waiver of the Applicant's right to a decision by September 3, 2018 and request for additional time. The extension request must be received no later than the decision date.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Enclosures - Army Corps of Engineers letter

Ec: Michael Cunningham; Division of Reclamation, Mining & Safety
Sam Albrecht, Elbert County