



**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

June 29, 2018

Jim Harrington  
Colorado Legacy Land, LLC  
4601 DTC Boulevard, Suite 130  
Denver, CO 80237

**RE: Schwartzwalder Mine; DRMS File No. M-1977-300; Adequacy Review No. 2 –  
Technical Revision No. 26 (TR-26)**

Dear Mr. Harrington,

The Division has identified several other comments and questions that must be addressed prior to the Division's decision due date.

1. The Operator has provided the Division with a copy of the U.S. Environmental Protection Agency's Notification of Rules and Regulations Regarding the Demolition of Asbestos-Containing Structures Memorandum, along with a copy of the Colorado Department of Public Health and Environment's (CDPHE) Asbestos Abatement Notification and Permit Application Form. These documents provide guidance on the demolition and handling of asbestos containing materials (ACM). However, the documents do not address the final disposal of ACM. The Asbestos – Renovation and Demolition Fact Sheet (copy attached) available through CDPHE's website, specifies all ACM waste must be disposed of at an approved asbestos waste disposal site, regardless of the quantity or the necessity for a notice or permit. In absence of a demonstration from the CDPHE that asbestos may be disposed of in the Schwartzwalder Mine, the Division will not authorize this activity. Please commit to disposing of all ACM at a landfill which is licensed to accept these materials.
2. The Operator has provided the Division with a copy of the updated Decommissioning Plan for Termination of Radioactive Materials License CO-396-06 which discusses the placement of cartridge filters and RO membranes into the mine for final disposal. The Division will approve the disposal of cartridge filters and RO membranes into the mine, provided the materials are placed in a section of the mine which is above the mine pool and where the materials can be retrieved in the future, if necessary. Prior to approval, the Operator shall identify and locate on a map, an area of the mine which meets the above specified criteria. In



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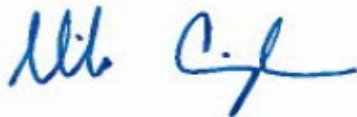
addition, the Operator shall commit to maintaining an inventory of all cartridge filters and RO membranes placed in the mine, to be provided to the Division prior to final closure.

3. The Operator has proposed disposing of incidental contaminated solid waste related to water treatment into the mine. The Radiation Safety Manual for Ion Exchange Treatment System, dated March 2017 does not specify that incidental contaminated solid waste will be disposed of in the mine. In absence of documentation from CDPHE authorizing these items to be disposed of in the mine, the Division will not authorize this activity. Please commit to disposing of these items at a facility which is licensed to accept and possess these materials.

Please remember that the decision date for this Technical Revision is June 31, 2018. 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 x8116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike C.", is positioned above the typed name.

Michael A. Cunningham  
Environmental Protection Specialist

Enclosure (1)

CC: Billy Ray, Alexco Water and Environment Inc.



# ASBESTOS - RENOVATION AND DEMOLITION

## ***Are you Remodeling, Renovating or Demolishing?***

You may be subject to State and Federal Regulations requiring an inspection for asbestos. Avoid penalties and delays: If you are impacting greater than the trigger levels of suspect asbestos-containing materials (“ACM”) – you must have your project inspected for ACM by a Colorado-certified asbestos building inspector before commencing work.

## ***It is Dangerous and Illegal to Improperly Disturb ACM!***

Asbestos can be found in these and many other common building materials: Ceiling textures, vinyl floor coverings and mastic, boiler and pipe insulation, heating and cooling duct insulation, ceiling tile, roofing products, clapboard shingles, etc. These materials may be regulated - a certified asbestos building inspector can determine which materials contain asbestos and which are regulated.

## ***For ALL Renovation Projects:***

- Buildings of **any** age may contain ACM; even those newly built may have ACM.
- **Inspection:** If the structures/components to be disturbed exceed the trigger levels, they **must be inspected for asbestos** by a Colorado-certified asbestos building inspector, unless the building was built after October 12, 1988, **AND** the architect or engineer who built it signs and submits documentation showing that no ACM was specified or used in the construction of the building – then no inspection is needed. Asbestos Consulting Firms and asbestos building inspectors can be found in the yellow pages of most telephone books under the heading “Asbestos Consulting and Testing” or go to our web site for a current list: [www.colorado.gov/cdphe/asbestos](http://www.colorado.gov/cdphe/asbestos).
- If the amount of ACM to be disturbed exceeds the following trigger levels, then an asbestos abatement contractor must remove the material:
  - **Single-Family Residential Dwellings (“SFRD”)** - the trigger levels are: 50 linear feet on pipes; 32 square feet on other surfaces; or the volume equivalent of a 55-gallon drum.
  - **Public and Commercial Buildings** (other than SFRDs) - the trigger levels are: 260 linear feet on pipes; 160 square feet on other surfaces; or the volume equivalent of a 55-gallon drum.
- Under many circumstances, a Colorado-certified General Abatement Contractor (GAC) must remove ACM that is regulated or may become regulated before it is disturbed by renovation or demolition activities. GACs can be found in the yellow pages of most telephone books under the heading, “Asbestos Abatement” or go to our web site for a current list.
- **Notification:** A written application to CDPHE for a notice/permit may be required, along with payment of a fee and a **ten (10) working-day notification period (emergencies may be excluded)** before the removal (abatement) of regulated asbestos-containing materials. **ALL** ACM waste must be disposed of at an approved asbestos waste disposal site – regardless of the quantity or the necessity for a notice/permit.

## ***Demolitions, Destructive Salvage, House Moving***

If you demolish, perform destructive salvage, perform de-construction, burn, destroy, dismantle, dynamite, implode, knock down, level, pull down, pulverize, raze, tear down, wreck all of a structure or structural components, or you move a house, you may be subject to State and Federal regulations **even when there is NO asbestos in the facility**. **Demolition means:** the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

### ***For ALL Demolition Projects:***

- **Inspection:** the building or area of the building to be demolished ***must be inspected for asbestos*** by a Colorado-certified asbestos inspector. Asbestos Consulting Firms and asbestos building inspectors can be found in the yellow pages of most telephone books under the heading “Asbestos Consulting and Testing” or go to our web site for a current list:
- **Asbestos Removal** (if necessary) may have to be performed by a Colorado-certified GAC. Removal, in accordance with Regulation No. 8, Part B, is required if the amount of asbestos-containing material that is friable or will become friable during demolition exceeds the trigger levels.
- **A Demolition Notification Application Form** must be submitted to the CDPHE, **even if no asbestos was found during the inspection**, along with payment of a notification fee and a **ten (10) working-day notification period** that is required before the demolition can commence.

### ***During Demolition:***

- Recycling of materials, such as concrete or wood, that are bonded or contaminated with asbestos-containing material (ACM), such as floor tile or mastic, is NOT permitted.
- Demolition of a building that has non-friable asbestos-containing vinyl asbestos tile (VAT) or tar-impregnated roofing materials remaining must be completed without causing the asbestos-containing materials to become friable. Concrete floors covered with floor tile shall be removed in large sections if possible. Operations such as crushing, pneumatic jacking, etc. of materials containing asbestos are not permitted.
- When imploding or burning a structure, ALL asbestos-containing material, regardless of type or quantity, **MUST** be removed prior to demolition.

### ***For More Information or Forms, please contact:***

Asbestos Compliance Assistance Group

Phone: (303) 692-3100

Fax: (303) 782-0278

Toll Free: 1-800-886-7689

Web page: <http://www.colorado.gov/cdphe/asbestos>

Email address: [cdphe.asbestos@state.co.us](mailto:cdphe.asbestos@state.co.us)

***Have your project inspected by a Colorado-certified asbestos building inspector before you begin renovation or demolition activities***

**Violation of asbestos regulations can result in monetary penalties and project delays.**