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Mr. Dustin Czapla
Colorado Department of Natural Resources
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203
303-866-3567

January 28, 2020

Delivered Via Email and Hard Copy

RE: Pride of America Mine, Colorado Stone Quarries, M-1999-058, April 2019 Diesel Spill Incident Report and Remediation Plan

Dear Mr. Czapla:

I am following up from my telephone conversation with you on December 16, 2019, and my confirmation email to you on December 19, 2019 (copy attached), concerning an accidental diesel fuel spill that occurred on April 23, 2019 at Colorado Stone Quarries, Inc.'s (CSQ) Pride of America Mine, located near Marble, Colorado. Briefly summarized, I advised you that a spill of approximately 200-500 gallons of diesel fuel occurred as a result of the inadvertent overfilling of the tank for a temporary generator that was being used on site, that CSQ responded to the spill immediately, that CSQ did not believe any fuel reached or impacted Yule Creek or any other body of water, and that the contaminated road base/fill material was excavated and placed in totes for later disposal. I further advised that CSQ subsequently retained the services of AA Safety Training and Soil Reconditioning, LLC (AA) to dispose of the contaminated fill materials and that the contaminated fill material was transported to CSQ's Delta facility to await final transport and disposal. Finally, I informed you that, after AA removed the contaminated soils from CSQ's Delta facility, CSQ learned that AA apparently had taken the soils to an unknown third-party location where the contaminated fill materials may have been treated/washed.

During our conversation, you requested that CSQ provide the DRMS with a full report of the spill incident. This letter responds to your request. I also provide you with an update regarding CSQ's state of knowledge regarding the status of the contaminated fill materials that were removed from the site. Finally, I briefly summarize various efforts that CSQ's has undertaken to mitigate the potential for future spills.

CSQ's Response to the April 2019 Spill

At the time of the spill, a temporary generator was in use while the main generators were off site for routine and required servicing. The temporary generator had a 1,250-gallon tank that was manually filled from a 6,000 gallon diesel bulk tank, as needed. Approximately 200-500 gallons were spilled when the tank of the temporary generator overflowed due to a miscommunication between mine personnel who were responsible for monitoring the manual filling operations. Dyed diesel fuel spilled onto the main haul

road which is primarily composed of small particles of waste marble/rock from the mine. As a result of years of use, the spill area is relatively impermeable.

The temporary generator was located outside Portal 4 and is shown on the map 'PAM 191121-Long Section (Drone Image 2019)' under label '2014 Generator Conex Location.' That map is included as Appendix B to this letter, and is also included as Appendix A3 in the *October 11th, 2019 Diesel Spill Report*, dated November 27, 2019, a copy of which has previously been provided to you. (The Portal 4 area is also referred to as the Portal 1 area; however, Portal 1 is higher in elevation on the western cliff side and is not accessible.) The spill location is approximately 350 feet west of Yule Creek and ~100 feet higher in elevation. The closest location of Yule Creek is shown on the map 'PAM 191121-Long Section (Drone Image 2019)' labeled as 'Creek Diversion.'

When CSQ personnel discovered the tank had overfilled, they immediately shut down the fuel pump and notified CSQ management, who instructed the personnel to turn off the temporary generator. This action effectively shut down production at the quarry as the site is dependent on generator power to fully operate. All CSQ personnel were then instructed to promptly stop all production work and a berm was immediately built around the area to contain the fuel and prevent its spread. Freestanding fuel was pumped off the ground and into drums. Contaminated road base/fill material was immediately excavated and placed inside the mine at Portal 7 to segregate it and keep it dry. The contaminated materials were then loaded into 24 super sacks (totes) containing a total of approximately 12 CY of contaminated fill material, which were kept inside Portal 7 to await off-site disposal. Photos of the spill, the pumping of freestanding fuel during clean-up, and the ground surface following contaminated soil excavation and segregation are included in CSQ's internal *CSQ's Diesel Spill Report 4-24-19*, a copy of which is included with this letter as Appendix A. Due to the prompt response actions by CSQ and the location of the spill, it is unlikely that any fuel migrated to Yule Creek and there is no evidence of any environmental impact.

The drums containing the diesel fuel captured from the spill were disposed of pursuant to CSQ's standing contract with Safety-Kleen, Inc. CSQ subsequently contracted with AA to dispose of the contaminated road fill materials and the totes containing those materials were transported from the quarry to CSQ's slabbing facility in Delta to await disposal. Following the removal of the totes from the Delta facility, CSQ learned that the contaminated road fill materials apparently were delivered to a third-party location for treatment /disposal and that such operations may not have been permitted to conduct such activities.

CSQ subsequently attempted, through contact with Mr. Brett Mills, the registered agent for AA and a former employee of CSQ, to determine that location. That attempt was unsuccessful. GLA also contacted Mr. John O'Rourke, Environmental Protection Specialist, Colorado Department of Public Health & Environmental, Hazardous Materials and Waste Management Division, Grand Junction Office, and Mr. Kelly Yeager, Delta County Planning Manager. Both individuals were provided with a copy of my December 19, 2019 email referenced above and included as Appendix C to this letter.

CSQ has made several attempts to learn the location of the contaminated road fill material that resulted from the April 2019 spill. Those attempts have been unsuccessful and CSQ has no additional information concerning AA's disposal of the excavated fill from the April 2019 spill. CSQ has engaged HRL Compliance Solutions, Inc. to prepare a plan to address the road fill material (e.g., characterization, proper handling, treatment/disposal, etc.) in the event its location is determined. Should CSQ learn of the location of those materials, CSQ will advise DRMS.

In the course of investigating the April 2019 spill, CSQ has attempted to identify and review information to determine if there have been other spills of petroleum products at the quarry site. It was determined that there have periodically been spills that have occurred as a result of leaks or ruptures of hydraulic fluid lines on heavy equipment operating at the mine, which is not uncommon at industrial sites where heavy

equipment is in use. In order to verify the mine site has not been adversely impacted by spills that may have occurred in the past (including the April 2019 spill), CSQ, through its consultant HRL, intends to conduct a visual and smell test review, and as appropriate sampling, of the mine area once weather/site conditions permit. Should that review identify contaminated fill that requires mitigation, CSQ will take appropriate response actions. At this time, CSQ has no reason to believe any prior spills have negatively impacted Yule Creek or migrated off the mine site.

Mitigation Efforts

CSQ has taken several actions to mitigate the potential for future overfill spills. CSQ now has the entire generator system, including all stationary fuel tanks, transfer points, and the generator conex, located within a newly constructed, high density polyethylene plastic-lined containment basin at the Franklin Pad, as shown on the enclosed map. The temporary generator involved in the April 2019 spill is no longer on site as the primary generators were returned to the site on July 17, 2019. Additionally, all fueling nozzles have been or will in the near future be changed to include automatic shut-off valves.

Please do not hesitate to contact me if you have any question.

Regards,



Katie Todt
Greg Lewicki and Associates, PLLC
(314) 704-4505
katie@lewicki.biz
Fax: (303) 346-6934

ECC:
Daniele Treves, Colorado Stone Quarries
Marlene Crosby, Gunnison County
David Baumgarten, Gunnison County
Ben Miller, Lewicki and Associates
Kris Rowe, HRL Compliance Solutions
John O'Rourke, CDPHE
Kelly Yeager, Delta County
Ronald Eddy, Esq. Sherman & Howard

Appendix A

CSQ Diesel Spill Report 4-24-19



COLORADO STONE QUARRIES

Diesel Spill Report

4-24-19

On 4-23-19 there was an incident at the Portal 1 area. Approximately 200 gallons of diesel was spilled when CSQ was filling the diesel tank for the rental generator. It occurred when there was miscommunication between Gregg Lucero and Thadd Booth. Thad had started the pump to fill the generator tank and was under the impression that Gregg Lucero was going to shut the pump off once it was filled.

Diesel spilled onto Portal 1 pad. A berm was built with dirt and it was immediately contained to avoid spread of diesel. The spill was then cleaned using dirt and pig mats by multiple employees and equipment. Work was stopped, and the generators were shut down until the situation became manageable.

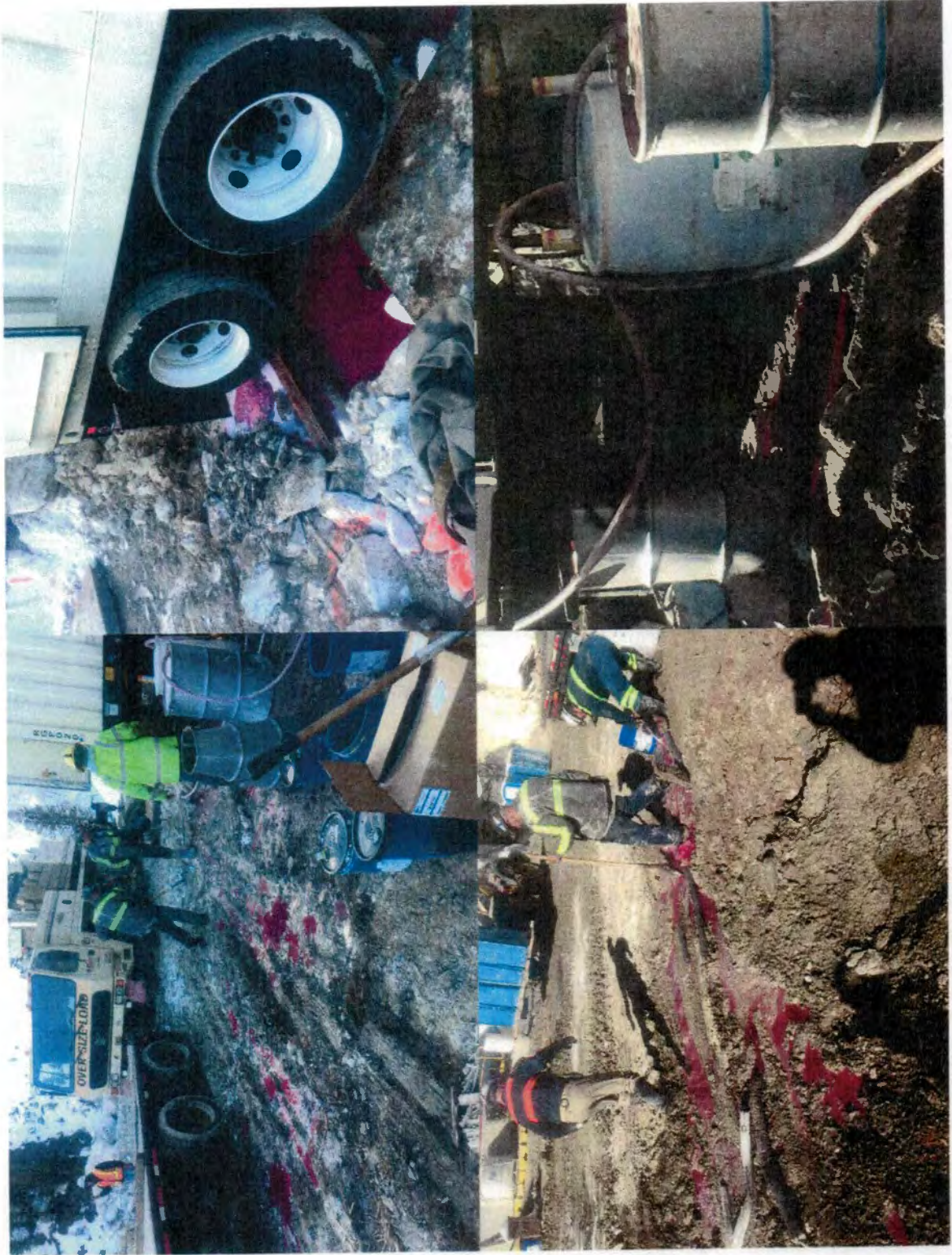
Contaminated dirt was stored in a dry location at portal 7. It will remain there until the contaminated dirt can be disposed of properly. Before and after pictures of this situation have been attached to this report.

Photos are attached to this report to reflect the quick and complete cleanup of the situation.

Daniel Penfield

4-24-19

Date





AA Safety Training and Soil Reconditioning LLC
train to succeed!

AA Safety Training



Soil Reconditioning

PO Box 1109
Delta Co 81416
safetysoils@gmail.com

INVOICE

Date: 7/26/2019
#: 19-001
For: diesel soil

Bill To: Colorado Stone Quarries
Colorado Stone Quarries
1734 Hwy 50E
Delta Co 81416
970-874-6118

| DESCRIPTION | Quantity | Cost | AMOUNT |
|--|----------|-------|-------------|
| 1yd x 1yd x 1yd containment bag / pallet | 24 | \$625 | \$15,000.00 |

Service provided collection and recycled/repurposed 24 pallets/1cubic yrd bags weight varied #1600 and #3200 lbs ea. containing soil contaminated with diesel. extraction by water soak with agitation for seperation, material recycled/repurposed

SUBTOTAL \$15,000.00

Make all checks payable to AA Safety Training and Soil Reconditioning LLC. If you have any questions concerning this invoice, contact safetysoils@gmail.com

OTHER \$0.00

THANK YOU FOR YOUR BUSINESS!

TOTAL \$15,000.00

BILL OF LADING/MANIFEST

1 Shipper's US EPA ID No (If Applicable)

Document No

2 Page 1
of 1

3 Shipper's Name and Mailing Address

4 Shipper's Phone

5 Transporter 1 Company Name

6

US EPA ID Number

A Transporter's Phone

7 Transporter 2 Company Name

8

US EPA ID Number

B Transporter's Phone

9 Designated Facility Name and Site Address

10

US EPA ID Number

C Facility's Phone

11 Shipping Name and Description

HM

12 Containers

No

Type

13
Total
Quantity14
Unit
Wt/Vol

15 Special Handling Instruction and Additional Information

16a US DOT HAZARDOUS MATERIALS SHIPPER'S CERTIFICATION:

This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Printed/Typed Name

Signature required
here if
US DOT regulated

Month Day Year

16b NON-REGULATED SHIPPER'S CERTIFICATION:

I certify the materials described above on this form are not subject to federal regulations for Transportation or Disposal.

Printed/Typed Name

Sign here if
material is not
DOT regulated

Month Day Year

17 Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

18 Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19 Discrepancy Indication Space

20 Facility Owner or Operator: Certification of receipt of materials covered by this form except as noted in Item 19

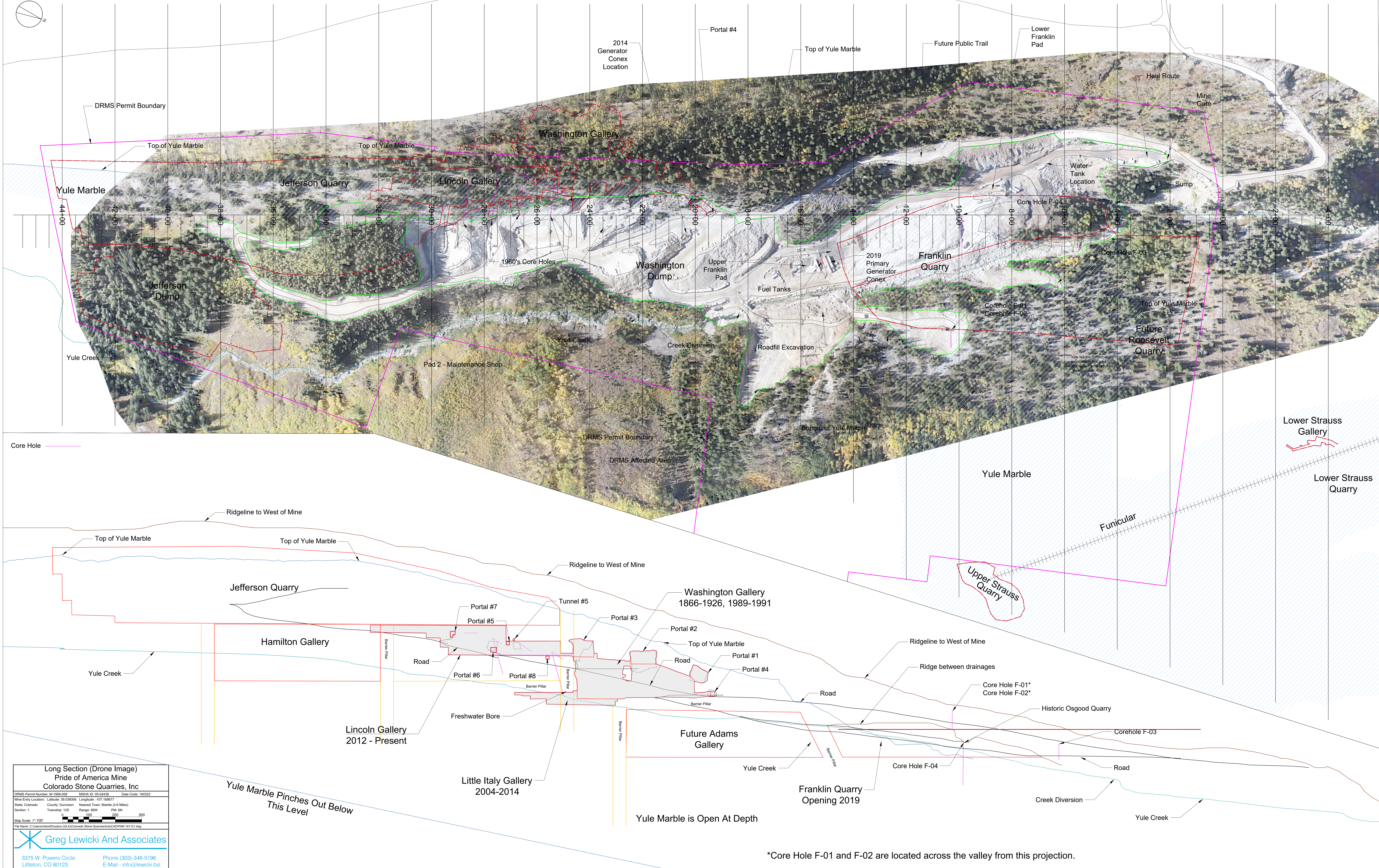
Printed/Typed Name

Signature

Month Day Year

Appendix B

PAM 191121-Long Section (Drone Image 2019)



*Core Hole F-01 and F-02 are located across the valley from this projection.

Appendix C

191219 Czapla and Todt email - CSQ April fuel spill

From: [Czapla - DNR, Dustin](#)
To: [Katie Todt](#)
Subject: Re: CSQ - Follow-up to Dec 16 and 18 phone conversations
Date: Thursday, December 19, 2019 11:57:19 AM
Attachments: [image.png](#)

Received, thank you.

Dustin Czapla
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203
303.866.3567 ext. 8188



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

On Thu, Dec 19, 2019 at 11:11 AM Katie Todt <katie@lewicki.biz> wrote:

Dustin:

I am writing to briefly summarize and confirm our telephone conversations on December 16 and 18, 2019 regarding an accidental diesel fuel spill and associated cleanup that occurred at the Pride of America Mine, located near Marble, Colorado, during April 2019. As I mentioned, approximately 200-500 gallons were spilled when the day tank of the temporary generators overflowed due to miscommunication between mine personnel regarding who was responsible for monitoring the manual filling operations. The diesel fuel spilled onto the main haul road, which is primarily comprised of small particles of waste marble/rock from the mine. As a result of years of use, the spill area is relatively impermeable.

CSQ promptly stopped work and immediately built a berm to contain the fuel and prevent its spread. Liquid fuel was pumped off the ground and into used oil drums. Contaminated road base was immediately excavated and placed inside the mine to segregate it and keep it dry. The contaminated materials were then loaded into super sacks (totes) for removal from the site. Due to the prompt response actions by CSQ and the location of the spill, it is unlikely that any fuel migrated to Yule Creek and there is no evidence of any environmental impact. CSQ did not believe the spill needed to be reported in view of the prompt cleanup.

CSQ subsequently contracted with AA Safety Training and Soil Reconditioning, LLC ('AA') to dispose of the contaminated road fill material. The totes of contaminated road fill were transported from the quarry to CSQ's slabbing facility in Delta in July 2019 to await pick-up by AA.

As you and I discussed, CSQ representatives recently have been advised that the

contaminated road base materials were taken to a third-party location where the materials may have been treated/washed to remove the diesel fuel. CSQ has attempted, through contact with Mr. Brett Mills, the registered agent for AA and former employee of CSQ who was terminated due to his involvement in disposal of this contaminated roadfill, to determine that location. That attempt was unsuccessful and CSQ is unaware of the current location or status of the excavated road fill materials.

GLA has been working with a consultant, HRL Compliance Solutions, Inc. of Grand Junction, to develop a plan to evaluate whether there is residual contamination from the April spill at the quarry that requires additional response actions and to take appropriate actions, if any are required, when and if the location of the third-party disposal property is determined. As you requested, a full report concerning the April spill will be prepared. We anticipate that report should be available by mid-January. As you advised, we will be contacting the solid waste program at CDPHE and Delta County to advise of the disposal of the contaminated road fill materials resulting from the April spill.

Please be assured CSQ is taking this matter very seriously and fully intends to cooperate with all agencies during this process.

Cheers,

Katie Todt, P.G.

Consultant/Geologist

Greg Lewicki and Associates, PLLC

(314) 704-4505