



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

July 8, 2020

Mr. Julio Villon  
Holcim (US) Inc.  
3500 Highway 120  
Florence, CO 81226

**RE: Coaldale Quarry, Permit No. M-1977-247;  
Preliminary Adequacy Review Amendment 3 (AM-3)**

Dear Mr. Villon:

The Division of Reclamation, Mining and Safety (DRMS) has completed its preliminary adequacy review of your 112 Construction Materials Reclamation Permit Amendment Application (AM-03) for the Coaldale Quarry, Permit No. M-1977-247. The application was received on March 16, 2020 and after receiving corrections, called complete for review on April 27, 2020. The decision date for this application is July 27, 2020. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the DRMS may deny this application.

The review consisted of comparing the application content with specific requirements of Rules 3.1, 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.

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 SPECIFIC EXHIBIT REQUIREMENTS – REGULAR 112 OPERATIONS**

**6.4.1 EXHIBIT A - Legal Description**

1. Missing parcel. A comparison with the Fremont County Assessor's legal description indicates a parcel is missing in Exhibit A. A portion of Section 32 apparently has been omitted. Please update Exhibit A to include the NE1/4 NE1/4 SW1/4 in Section 32.

**6.4.2 EXHIBIT B – Index Map**

2. Exhibit B Permit Boundary. The permit boundary is not shown on Exhibit B. Please resubmit Exhibit B with the proposed permit boundary.
3. Exhibit B-1 Property Owners. The list of adjacent property owners appears to be out of date. Based on the Fremont County Assessor's website, the following Ref #'s require updating:
  - a. #8 should be William K Whited,
  - b. #12 should be Connor Roth,
  - c. #14 should be Wentzell John P & Lori S,



- d. #15 should be Phelps Jean M,
- e. #19 should be Vaupel Jim E.

4. Exhibit B-1 Affected Area Boundary. The DRMS assumes the entire proposed permit boundary is to be considered affected area. If not, all maps in the application need to be revised to differentiate the permit boundary from the affected area boundary. Pursuant to Rule 1.6.2(e)(ii), owners of record of all land surface within 200 feet of the boundary of the affected lands shall be provided notice of the application (see Comment 16 below). Landowners are typically shown on an Exhibit C map, which shows the proposed permit boundary. As you have chosen to show the landowners on Exhibit B-1, this map must also delineate the affected area boundary to enable identification of the appropriate landowners requiring notification pursuant to Rule 1.6.2(e)(ii).

Please submit an updated Exhibit B-1 to address Comments 3 and 4 above.

#### **6.4.3 EXHIBIT C – Pre-mining & Mining Plan Map(s) of Affected Lands**

5. Exhibit C-1 Scale. The scale listed in the title block is 1/64 inch = 1 foot. It appears the drawing was printed at a reduced scale (approximately 1 inch = 760 feet). Rule 6.2.1(2)(e) provides an acceptable range of map scales not larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet.
6. Exhibit C-1 Utilities. Rule 6.4.3(b) requires the name and location of all creeks, roads, buildings, etc. to be identified on the drawing. Please confirm there are no utilities (power communication, gas, water, etc.) along Co Rd 6 or elsewhere on site. If there are utilities, please add them to Exhibit C-1. The nearby Hayden Creek needs to be labeled. The buildings need to be labeled consistent with the list in Exhibit S. There are three liquid storage tanks about 500 feet due west of the shop building. These tanks need to be identified and may need to be included in the reclamation cost estimate (demolition).
7. Exhibit C-1 Site Specific Locations. There are various site specific locations discussed in the text of the application (Titanium Hill, North East Wall, Topsoil Depositional Areas, Stockpile Area) that are not identified on Exhibit C-1. If there are overburden stockpiles, these also need to be located on the map. Although “Quarry North” and “Quarry South” are identified, the “orange” labels are difficult to read amongst the red contour lines. Please add all appropriate labels in a visible font.
8. Exhibit C-1 Vegetation. Pursuant to Rule 6.4.3(e), the type of present vegetation covering the affected lands. No vegetation types are delineated. Please show categories of present vegetation.

Please submit an updated Exhibit C-1 to address Comments 5 through 8 above.

#### **6.4.4 EXHIBIT D – Mining Plan**

9. Exhibit D Working Areas. The size of areas to be worked at one time is required to assist the DRMS in determining an appropriate reclamation bond amount. Item C on the fourth page of the Mining Plan (no page number) does not specify the planned area of disturbance relative to the Mine Plan and Mining Reclamation Timetable on the fifth page of the Mine Plan. Please provide an estimate of highwall and pit floor areas to be worked at a given time.

#### **6.4.5 EXHIBIT E – Reclamation Plan**

10. Reclamation Plan. The reclamation plan appears to be the identical text to that in the 2007 Amendment 2 (AM-02) application, minus the reference to the previous 1997 Amendment 1 (AM-01) submittal. The AM-01 reclamation plan was for only 100 acres of disturbance and the reclamation tasks were to be performed between 1997 and 2002. As such, an updated and detailed reclamation plan is required. Please provide a reclamation plan addressing the requirements of Rules 3.1.5, 3.1.6, 3.1.7, 3.1.8, 3.1.9, 3.1.10, and 6.4.5.

#### **6.4.6 EXHIBIT E – Reclamation Plan Map**

11. Exhibit F-1 Scale. The scale listed in the title block is 1/64 inch = 1 foot. It appears the drawing was printed at a reduced scale (approximately 1 inch = 760 feet). Rule 6.2.1(2)(e) provides an acceptable range of map scales not larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet.
12. Map Omissions. The provided reclamation plan map appears to show final reclamation contours as required. However, given the anticipated different approaches to reclaiming floor and stockpile areas vs that for highwalls, the reclamation plan map should clearly delineate highwall reclamation areas from areas where the topography is more conducive to drill seeding (or may even be a different seed mix). The removal and reclamation of roads should be included as well as the stormwater management tasks included in the 1997 AM-01.

#### **6.4.7 EXHIBIT G – Water Information**

13. Exhibit Omissions. The provided Exhibit G references the AM-02 submittal indicating no changes. A review of the AM-02 Exhibit G did not cover: project water needs, whether or not an NPDES permit was/is required, or the water supply source for this project. The other requirements of Rule 6.4.7 were addressed in the AM-02 submittal. Please discuss project water needs, if an NPDES permit was/is required, and the water supply source for this project.

#### **6.4.13 EXHIBIT M – Other Permits and Licenses (Statement Req'd)**

14. County Use Permit. Please clarify whether or not a new or revised Fremont County Conditional Use permit is necessary.

#### **6.4.19 EXHIBIT S – Permanent Man-made Structures**

15. Structure Omissions. Please include the ownership and sizes of the three liquid storage tanks about 500 feet due west of the shop building.

#### **General Comments**

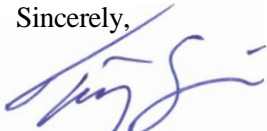
16. Land Owner Notifications. The April 27, 2020 letter of completeness omitted instructions to notify all owners of record of surface and mineral rights, holders of any recorded easements, and all owners of record of lands that are within 200 feet of the boundary of the affected land by mailing a copy of the notice placed in the newspaper to each. I apologize for the oversight. However, due to apparent changes in land ownership (see Comments 3 and 4 above), additional notices would be required at this time. Additionally, Rule 1.7.1(2)(a) provides a 20-day comment period after notices are sent. The decision date for this application must be after the end of the 20-day public comment period to allow the notified landowners sufficient time for comment. Therefore, the DRMS requires the Applicant request an extension to the decision date to be no earlier than the 21<sup>st</sup> day after the required notice to landowners within 200 feet of the affected area boundary is mailed. Proof of notice and mailings, such as Certified Mail - Return Receipt Requested, must be submitted to the Division of Reclamation, Mining and Safety prior to the decision date. Please mail a copy of the notice that was published in the Canon City Daily record on May 7, 14, 21 and 28, 2020 to all landowners within 200 feet of the affected area boundary.
17. Additional Changes to Application. Please be aware any changes or additions to the application on file in our office (including your responses to this letter) must also be reflected in the public review copy which has been placed with the Fremont County Clerk and Recorder. A receipt or other proof of placement will be required with future submittals related to this amendment application.
18. General Formatting Comment. There are no page numbers on the text portions of the exhibits. This makes it challenging to reference specific text related comments in our adequacy review. For future submittals, please number all pages of text.

19. Agency Comments. The DRMS received comments from the Fremont Conservation District, the State Historic Preservation Office and the Division of Water Resources. All three comment letters are attached for your records.

**Please remember that the decision date for this application is July 27 and needs to be extended at your request as indicated in Comment 16.** 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 application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application may be denied.

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 x8169 or 303-328-5229 (mobile), or by email at [tim.cazier@state.co.us](mailto:tim.cazier@state.co.us).

Sincerely,



Timothy A. Cazier, P.E.  
Environmental Protection Specialist

Enclosures: Agency comments

ec: Michael Cunningham, DRMS  
DRMS file  
Julio Villon, Holcim