



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

August 13, 2020

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

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

Dear Mr. Villon:

The Division of Reclamation, Mining and Safety (DRMS) has completed its review of your July 29, 2020 response to our July 8, 2020 Preliminary Adequacy Review (PAR) letter for your Amendment Application (AM-03) for the Coaldale Quarry, Permit No. M-1977-247. The decision date for this application was extended to August 14, 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 comment numbers from the PAR have been retained for tracking purposes. 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. The Response is adequate.

6.4.2 EXHIBIT B – Index Map

2. Exhibit B Permit Boundary. The Response is adequate.
3. Exhibit B-1 Property Owners. The Response is adequate.
4. Exhibit B-1 Affected Area Boundary. The Response is adequate.

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

5. Exhibit C-1 Scale. The Response is adequate.
6. Exhibit C-1 Utilities. The Response is adequate.
7. Exhibit C-1 Site Specific Locations. The Response is adequate.
8. Exhibit C-1 Vegetation. The Response is not adequate. No vegetation is identified on the revised Exhibit C-1. Pursuant to Rule 6.4.3(e), the type of present vegetation covering the affected lands. Please submit an updated Exhibit C-1 to show categories of present vegetation.



6.4.4 EXHIBIT D – Mining Plan

9. Exhibit D Working Areas. The Response is adequate.

6.4.5 EXHIBIT E – Reclamation Plan

10. Reclamation Plan. The Response is not adequate. Only Rules 3.1.6 and 3.1.7 were adequately addressed. Please provide more detail for the following Rules:
- a. 3.1.5 – How much backfill will be placed on the benches? At what slope? How wide are the benches? How will erosion potential be minimized?
 - b. 3.1.8 – Please provide specifics on how wildlife habitat will be improved.
 - c. 3.1.9 – How much topsoil will be placed on the benches and pit floors? Please provide a range, for example 6 to 12 inches.
 - d. 3.1.10 – The DRMS requires specific seed rates (in pounds of pure live seed per acre) in order to complete a reclamation cost estimate. We also need to know how much area (in acres) will be broadcast seeded (including hydro-seeding) and how much area will be drill seeded. Please provide this information. Please also provide a weed control plan [Rule 3.1.10(6)].
 - e. 6.4.5 – Describe the differences in the planned reclamation for benches verses pit floors and other flatter disturbed areas (such as the plant area). What will be the maximum graded slopes on benches/backfill areas.

6.4.6 EXHIBIT F – Reclamation Plan Map

11. Exhibit F-1 Scale. The Response is adequate.
12. Map Omissions. The Response is not adequate. This comment does not appear to have been addressed. Please provide an updated map delineating zones (and estimated area in acres) for which different reclamation plans are planned such as backfilled bench areas verses flatter pit floor and plant area reclamation. Please more clearly delineate highwall reclamation areas from areas where the topography is more conducive to drill seeding (or may even be a different seed mix). Please also indicate which roads will be removed and reclaimed and provide details for the stormwater management tasks included in the 1997 AM-01.

6.4.7 EXHIBIT G – Water Information

13. Exhibit Omissions. The Response is not adequate. Please provide project water quantity needs; clarify whether or not an NPDES permit was/is required; and indicate if the well mentioned in the adequacy response for water supply is inside or outside the permit boundary. If it is within the permit boundary or within 200 feet of the affected area boundary, please provide a location on Exhibit C or another map.

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

14. County Use Permit. The Response is not adequate. This comment does not appear to have been addressed. 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. The Response is not adequate. Sizes were provide for only two of the three tanks. Please provide sizes for all three of the three liquid storage tanks about 500 feet due west of the shop building.
- a. Inspection Observed Structures (new comment). During the DRMS' July 16, 2020 inspection and subsequent to the July 8, 2020 PAR letter, a powerline was observed along the access road ending near the shop building. If this powerline is not owned by Holcim, a structure agreement is required

pursuant to Rule 6.4.19. Please verify who owns the powerline and if it is not Holcim, provide the required structure agreement.

General Comments

16. **Land Owner Notifications.** The Response is not adequate. Based on the Exhibit B-1 map, it appears 11 landowners (those with reference numbers 11 through 21) have property within 200 feet of the affected area boundary. On July 23, 2020, only certified mail receipts were provided for landowners with reference numbers 12, 14, 15, and 19. All of these owners need to be provided the notified of the proposed amendment by mailing a copy of the notice placed in the Canon City Daily record on May 7, 14, 21 and 28, 2020. A receipt was also provided for the landowner with reference number 8, but that parcel doesn't appear to be within 200 feet of the affected area boundary. The DRMS also needs a proof of mailing date to determine when the extended comment period began. The provided certified mail receipts do not include a post mark. The following table summarizes the status of landowners the DRMS believes require notices due to their proximity to the affected area boundary:

Owner w/in 200 feet of Affected Area				
ID	Parcel	Owner	Noticed?	Mailing Date
11	R029022, R029023, R029024	RAY GAYLE H. & DOROTHY N.	No	--
12	R029025	ROTH CONNOR	Yes?	unknown
13	R029039	ROMERO PALMA	No	--
14	R029040	WENTZELL JOHN P & LORI S	Yes?	unknown
15	R027159	HELPS JEAN M	Yes?	unknown
16	R025344	JONES BOBBIE JO	No	--
17	R027062	GARRETT JOHN R	No	--
18	R040132	GILLESPIE RUSSELL A	No	--
19	R026985	VAUPEL JIM E	Yes?	unknown
20	R033995	CLIFTON RICHARD LEE & SHARON RAE	No	--
21	R026910	BENTON HOMESTEAD RANCH LLC	No	--
8	R026920	WILLIAM K WHITED	Yes?	unknown

If the certified mail return receipts are not available, summaries from USPS.com may be substituted. However, because some of the landowners were apparently not sent notices (ID numbers 11, 13, 16, 17, 18, 20 and 21), additional notices are required for these seven owners. Additionally, Rule 1.7.1(2)(a) provides a 20-day comment period after notices are sent. A new decision date for this application must be after the end of the 20-day public comment period to allow the additional 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 21st day after the additional required notices 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.** Pursuant to Notice Requirement No. 6 (page ii of the Application Form) "Any changes or additions made to an application submittal MUST be filed with the county clerk or recorder. You MUST also provide the Office with an affidavit or receipt demonstrating that the change was filed with the county clerk or recorder no later than the close of business on the day the change was filed with the Office (Rule 1.8.1(2))". Please provide a receipt or other proof of placement with the Fremont County Clerk & Recorder for both your July 29, 2020 repose sent to the DRMS and the response to this letter.

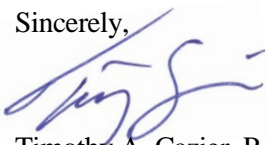
18. General Formatting Comment. No response required.

19. Agency Comments. No response required.

Please remember that the decision date for this application is August 14, 2020 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.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', is written over a light blue rectangular background.

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

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