

January 5, 2022

Gary Slifka  
Union Milling Contractors  
P.O. Box 620490  
Littleton, CO 80162-0490



1313 Sherman Street, Room 215  
Denver, CO 80203

***RE: Arkansas Valley Slag (AVS), File # M-2021-058 , 112c Application Adequacy Review (02)***

Mr. Slifka:

The Division of Reclamation, Mining and Safety (Division) received your response to the initial adequacy review letter on December 31, 2021. The Division has reviewed your response and determined that the following issues of concern (**denoted by red type**) shall be adequately addressed before the application can be considered for approval.

1. On page 1 of the application form it states that the permitted acreage will be 56 acres. Rule 6.4.1 (1) requires that Exhibit A - Legal Description identify the affected land, specifying the affected areas. In your Exhibit A (Section 6.4.1), the legal description describes a parcel containing 92.2 acres. Please clarify and describe the actual affected area proposed in this application.

**In your response dated December 31, 2021 you clarified the permit area is 56 acres. Please submit the corrected Exhibit A –Legal Description which describes the 56 acre permit area.**

2. Rule 6.4.3 (d) requires that the Exhibit C - Mine Plan Map(s) show the total area to be involved in the operation, including the area to be mined and the area of affected lands. On page 1 of the application form it states that the permitted acreage will be 56 acres. In your Exhibit C (Section 6.4.3) several maps show a permit area of 56 acres, while others (Figures 4-10, 4-14) state the permit area is 92.2 acres. Please clarify the affected area and correct maps as necessary.

**In your response dated December 31, 2021 you clarified the permit area is 56 acres. Please submit the corrected Mine Plan maps.**

3. The operation proposes to remove existing stockpiles of slag from the site. Please clarify the type of processing that might occur. Will crushing occur?

**December 31, 2021 Response Adequate**



4. Please submit acid-base accounting analysis for the slag material in order to show the acid generating potential of the slag.

December 31, 2021 Response Adequate

5. Please submit geochemical characterization data for the slag material, including whole rock analysis and leachability test data.

December 31, 2021 Response Adequate

6. Documentation submitted with your application shows that the EPA accepted “No Action” remedy for site remediation contains a contingency for “...future utilization of the slag, if it is encapsulated prior to its use or reuse.” Please inform the Division of how CJK will ensure the slag is encapsulated prior to use once it is sold and removed from the site.

In your response dated December 31, 2021 you have submitted information describing the purpose for and methods of encapsulation of the slag. Now please inform the Division of how CJK will ensure the slag is encapsulated prior to use once it is sold and removed from the site.

7. Please inform the Division of whether the Operator will need EPA or CDPHE authorization to remove slag from the site. If not, please provide the basis for that determination.

In your response dated December 31, 2021 you have submitted emails showing that the Operator will in fact require authorization from EPA and CDPHE. Please submit to DRMS copies of your written approvals from EPA and CDPHE for the operation.

8. In Appendix 6-3, Noxious Weed Plan, you have submitted a noxious weed management plan for the Penn Mine. Please submit a weed management plan specific to this site.

December 31, 2021 Response Adequate

9. The Exhibit F –Reclamation Plan Map submitted shows a proposed permit area of 92.2 acres. Please correct the affected area acreage shown on the map so that it is consistent with the rest of the application.

In your response dated December 31, 2021 you clarified the permit area is 56 acres. Please submit the corrected Reclamation Plan Map.

10. In Appendix 14-2 APEN Calculations it is stated that 400 tons per day of slag will be transported to the Leadville Mill for processing. The mine plan submitted with this application contains no discussion regarding transport to and processing at the Leadville Mill. Additionally, the Leadville Mill permit contains no discussion or authorization for processing of the slag material. Please clarify the processing that is proposed to occur at the AVS site.

December 31, 2021 Response Adequate

11. Your application includes structure agreements that are not executed by the structure owners. Please provide the fully executed structure agreements for structures located within 200 feet of the affected area.

Your response dated December 31, 2021 states that structure agreements between Operator and the structure owners have not been finalized, and that an engineering evaluation is underway. Before the application can be considered for approval please submit either the fully executed structure agreements for structures located within 200 feet of the affected area, or the appropriate engineering evaluation that demonstrates that such structures shall not be damaged by activities occurring at the mining operation. For structures that are utilities you 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.

The decision deadline date for the application is January 16, 2022. Please submit your responses to the above listed issues by Monday, January 10, 2022 in order to allow the Division sufficient time for review. If you are unable to submit the requested items by the due date, you will need to submit to the Division a request for extension to the decision date.

The Division will continue to review your application and will contact you if additional information is needed.

If you require additional information, or have questions or concerns, please contact me.

Sincerely,



***Dustin Czapla***

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Division of Reclamation, Mining and Safety  
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