



January 5, 2022

Jodi Shreiber  
All-Rite Paving & Redi-Mix, Inc.  
P.O. Box 165  
Canon City, CO 81215

**RE: Lamar Pit, Permit No. M-1987-079, Technical Revision No. 3 (TR-3), Adequacy Review No. 1**

Ms. Schreiber:

On December 9, 2021, the Division of Reclamation, Mining and Safety (Division) received your Technical Revision application (TR-3) for the Lamar Pit, addressing the following:

*Provide updated mining plan maps, reclamation plan, and reclamation plan map to include backfilling mine phases 1 and 2 for reclamation.*

After reviewing the materials submitted, the Division has identified the following adequacy items that must be addressed before an approval of TR-3 can be issued:

- 1) The cover sheet submitted states the operator “requests the post reclamation use be changed to entirely industrial/commercial”. The current approved post-mining land use for the site is a combination of industrial/commercial and rangeland. Please be advised, the approved post-mining land use cannot be changed through the Technical Revision process. This change can only be approved through the Amendment process. Therefore, please remove any language from this revision pertaining to a “change” in post-mining land use.
- 2) The current approved reclamation plan includes leaving an industrial/commercial area in the eastern portion of the permit area associated with continued operation of the existing concrete and asphalt plants, and leaving two mined pits (groundwater ponds) in the western portion of the permit area with revegetation of areas around the pits. In the revised reclamation plan, the operator proposes backfilling both pits and revegetating some (unspecified) areas. If the operator is proposing in TR-3 to merely expand the current approved industrial/commercial area, but will still revegetate some areas in accordance with the approved rangeland use, this proposal could be approved through the Technical Revision process. However, if the operator is proposing to not revegetate any areas in accordance with the approved rangeland use, this proposal may constitute a “change” in post-mining land use which must be reviewed through the Amendment process. The Division is asking for additional information or clarification on several items which will help determine whether TR-3 is the appropriate revision for the operator’s proposed changes.
- 3) The Division has the following comments regarding the revised reclamation plan which states “Both ponds will be backfilled with material and then topsoil will be replaced to a depth of 5-10 inches”, “any



area where concrete is exposed will be covered with 2-3 feet of overburden and/or topsoil” and “material for reclamation activities will be imported at a rate of no more than 50,000 cubic yards per year”:

- a. Please provide the anticipated maximum extent (in acreage) and the maximum mining depth for each of the proposed pits/ponds.
  - b. Please describe the proposed backfill material for the two pits/ponds.
  - c. If the operator intends to import inert backfill material to the site for reclamation, please provide all information required by Rule 3.1.5(9), including: (a) a narrative that describes the approximate location of the proposed activity; (b) the approximate volume of inert material to be backfilled; (c) a signed affidavit certifying that the material is clean and inert, as defined by Rule 1.1(22); (d) the approximate dates the proposed activity will commence and end; (e) an explanation of how the backfilled site will result in a post-mining configuration that is compatible with the approved post-mining land use; and (f) a general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids.
  - d. Please provide an approximate acreage that will be retopsoiled and revegetated for reclamation.
  - e. Please provide the approximate volume of topsoil currently stockpiled on site, if any. Will the operator need to import any topsoil to the site to complete reclamation? If so, please provide an approximate volume of topsoil that will need to be imported.
  - f. Please provide the approximate volume of overburden currently stockpiled on site, if any.
  - g. Please clarify what is meant by potential areas where concrete is exposed. Is the operator referring to areas where truck washing occurred or areas where the pit is backfilled with concrete waste?
  - h. Please specify the approximate depth of overburden and the approximate depth of topsoil that will be placed over areas with exposed concrete (rather than saying “2-3 feet of overburden and/or topsoil”).
- 4) Please specify the maximum amount of groundwater to be exposed at the site at any given time during mining operations. Will the pond size ever exceed the 3.8 acres of exposed groundwater covered by the existing augmentation plan?
  - 5) Please specify the proposed maximum slope gradient (horizontal:vertical) for all reclaimed lands.
  - 6) Please provide an updated bond estimate which correlates with the proposed reclamation plan. This estimate should be broken down into the various major phases of reclamation (e.g., importing backfill material, backfilling, grading, importing topsoil material, retopsoiling, revegetating) for each of the two mine phases proposed.
  - 7) The Division has the following comments regarding the Weed Control section:

- a. Please specify the weed control methods (e.g., mechanical, chemical) that will be utilized at the site. If herbicides are used, will they be aquatic-safe given the exposed groundwater on site and the close proximity of the site to the Arkansas River?
  - b. Please provide a list of noxious weed species which are known to occur at the site.
- 8) The Division has the following comments regarding all maps submitted:
  - a. Please correct the site name at the top left to “Lamar Pit” (not Speculator Pit).
  - b. Please correct the operator name at the bottom right to “All-Rite Paving and Redi-Mix, Inc.” (not Fremont Paving and Redi Mix).
- 9) The Division has the following comments regarding the (3) Exhibit D - Mining Plan Maps submitted:
  - a. Please show the estimated acreages for each of the three main disturbance areas.
  - b. Please show the location of any roads that will be used to access the disturbance areas.
  - c. On the first Exhibit D map - please show the owner’s name, type of structure, and location of all significant, valuable, and permanent man-made structures (e.g., fences, gates, roads, bridges, buildings, oil and gas wells and lines, power and communication lines, wells, water storage structures, discharge and conveyance structures) that exist on or within 200 feet of the permit area. (Please be sure to include the buried natural gas pipeline separating the two mine phases that was shown on the previously approved mine plan map.)
  - d. Please show the location of any existing and/or proposed topsoil stockpiles.
  - e. Please describe the approximate dimensions of and type of material used to construct the erosion berm shown at the southern edge of the permit area. Has this berm already been constructed?
- 10) The Division has the following comments regarding the Exhibit E - Reclamation Plan Map submitted:
  - a. Please show the approximate location of areas expected to be retopsoiled and revegetated.
  - b. Please show the proposed slope gradient (horizontal:vertical) for reclaimed areas.
  - c. Please show the location of any roads expected to remain after reclamation.
  - d. Please show the location of any structures expected to remain after reclamation.
  - e. This map states “All land will be reclaimed for industrial use”. However, the proposed reclamation plan includes retopsoiling and revegetating some areas. Additionally, this language implies the operator is proposing a change in post-mining land use to industrial/commercial use only (removing any rangeland use). As mentioned above, the Division cannot approve a change in post-mining land use through the Technical Revision process. Therefore, please remove this

language from the map, and specify which areas will remain for industrial/commercial use and which areas will be revegetated per the current approved rangeland use.

This completes the Division's preliminary adequacy review of the materials submitted for TR-3. The decision date for TR-3 is currently set for **February 9, 2022**. If additional time is needed to address the adequacy items, an extension request must be received by our office prior to the decision date.

If you have any questions, you may contact me by telephone at (303) 866-3567, ext. 8129, or by email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,

A handwritten signature in blue ink that reads "Amy Eschberger". The signature is written in a cursive, flowing style.

Amy Eschberger  
Environmental Protection Specialist

Cc: Michael Cunningham, DRMS