



May 12, 2022

Garrett C. Varra
Varra Companies Inc.
8120 Gage Street
Frederick, CO 80516

**RE: Kurtz Resource Recovery and Land Development Project (Permit M-1999-006)
Succession of Operator No. 2 (SO-02), Incomplete Application**

Dear Mr. Varra:

On May 10, 2022, the Division of Reclamation, Mining and Safety received an SO-02 application for the Kurtz Resource Recovery and Land Development Project, Permit M-1999-006. Preliminary review of the information received determined that the following items must be received before the Division can consider your application complete:

1. Please include an Affidavit of Authority to Execute Financial Warranty Documents. An executed, notarized original signed by Kevin Jeakins must be submitted to the Division.
2. An original of the Financial Warranty is required. The submittal only included a photocopy, which is not sufficient.
3. The submittal did not include a Demonstration of Legal Right to Enter. This documentation must be provided for the Prospective Successor (Raptor Materials LLC).
4. A comprehensive review of structures within 200 feet of affected land should be conducted, and should include any new structures that were not addressed with previous reviews. The submittal must include Structure Agreements between structure owners and Raptor Materials LLC, or it must include documentation of efforts to obtain these agreements.

The current required surety is \$431,100.00. After this SO application has been approved, the Division will conduct an inspection and re-evaluate the required surety.

Your SO-02 application will not be considered submitted/filed until the information listed above is received and found sufficient to begin the review. You have thirty (30) days from the date of this letter to submit all necessary documents that the DRMS needs for an application to be considered filed. If, at the end of the thirty day period, the application has not been determined to be filed with the DRMS, the DRMS may deny the application and terminate the application file.

The response to this Incompleteness Notice is due on or before **June 11, 2022**.



Once the application has been deemed complete, a decision date will be established 30 days from the date of receipt and acceptance of all the requested information (Rule 1.12.1(2)).

This letter shall not be interpreted to mean that there are no other completeness issues or technical deficiencies in your application. The DRMS will review your application to determine whether it is adequate to meet the requirements of the Act after submittal of all required items.

If you have any questions, please contact me at (720) 601-2276 or rob.zuber@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Zuber".

Rob Zuber, P.E.
Environmental Protection Specialist

Copied via e-mail:

Joseph Marini, Raptor Materials LLC
Michael Cunningham, DRMS