



STATE OF  
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

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## M2020018, Rincon Materials, Denial Letter

1 message

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**Simmons - DNR, Leigh** <leigh.simmons@state.co.us>

Thu, Jul 28, 2022 at 10:32 AM

To: Ben Langenfeld <benl@lewicki.biz>

Please find the formal denial letter attached.

A hard copy will be mailed to Mike Young.

Leigh Simmons  
Environmental Protection Specialist



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

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**Denial letter, M2020018, Rincon Materials.pdf**

163K



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

Mike Young  
Rincon Partners LLC  
PO Box 480  
Edwards, Co 81632

July 28, 2022

**Re: Rincon Materials (Permit No. M-2020-018)**  
**Denial of 112c Application**

Dear Mr. Young,

On March 17, 2020 the Division of Reclamation, Mining and Safety (Division) considered your application for a Construction Materials Regular 112 Operation complete for the purposes of filing. The Decision Date for your application was set at June 15, 2020, and was subsequently extended to June 30, 2020, per your request.

On July 1, 2020, the Division proposed the decision to approve your application. As noted in the decision letter, the permit could not be issued until a financial warranty and a performance warranty were posted. The financial warranty amount was set at \$163,973.

Construction Materials Rule 1.4 discusses the Application Review and Consideration Process. Rule 1.4.1(9) states that:

*At the request of the Applicant, the review time may be extended and the decision date reset, not to exceed three hundred and sixty-five (365) days from the date the application was filed. The additional time may be requested to allow the Applicant an opportunity to provide information necessary to meet the adequacy requirements of the Office. If, at the end of the three hundred and sixty-five (365) day period, the application has outstanding adequacy issues, the Office may set the matter for a Board hearing. At the hearing the Board may deny, or approve the application with or without conditions.*

In this case, the 365 day period ended on June 15, 2021.

On March 18, 2021, the Division sent you a letter reminding you of the outstanding requirement to post a Financial Warranty, and of the need to request a hearing before the Mined Land Reclamation Board to seek re-approval of the permit application if the 365 day period were to be exceeded.

On June 21, 2022, the Division received your formal request for re-approval, together with proof of public notice. Ben Langenfeld of Lewicki & Associates confirmed that you were not yet ready to post the Financial Warranty.



Owing to the time that has passed since the initial 365 day period ended, and the fact that you are not yet in a position to post the Financial Warranty, the Division has made a determination to **deny** your application. If your intention is to re-submit the application in the future, the Division recommends that you re-submit the application at such time as the local land-use permitting has been addressed and you are prepared to post Financial Warranty.

Pursuant to Construction Materials Rule 1.4.11 (1)(a), an appeal of the Division's decision to deny the application must be received by the Division's Denver Office within 60 days of the date of this letter. The appeal must meet all applicable requirements of Rule 1.4.11.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Leigh Simmons', with a stylized flourish at the end.

Leigh Simmons  
Environmental Protection Specialist

CC. Ben Langenfeld, Lewicki & Associates