



Glenwood Springs Citizens' Alliance

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Via Electronic Mail

January 20, 2023

Doug Vilsack, State Director
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Larry Sandoval, Field Manager
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Virginia Brannon, Director
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Re: Massive Slide at RMI Glenwood Quarry

Dear State Director Vilsack, Field Manager Sandoval, Director Brannon, and District Manager Lemons:

This letter is submitted by the Glenwood Springs Citizens' Alliance (GSCA), and regards this week's (Jan. 18, 2023) massive slide at Rocky Mountain Industrials (RMI)'s Mid-Continent Quarry above Glenwood Springs. As can be seen from the below photos, essentially the entire side of the mountain within the permitted mining area has fallen and obliterated much of the roads, highwalls, and other mine infrastructure.

GSCA is a non-profit organization that works to protect the human, natural, environmental, and community resources of the Glenwood Springs, Colorado area. GSCA is particularly concerned about the ongoing and proposed activities associated with the Quarry located just above (north) of Glenwood Springs on BLM-managed public lands. Many of GSCA's members live in close proximity to the current operations and haul routes, and are significantly and adversely affected by current operations.

Although GSCA does not know the cause of this significant failure, we would like to point out that BLM recently found that RMI was not in compliance with several conditions of its approved mining plan/permit. On August 30, 2022, BLM issued a Noncompliance Order to RMI, specifically faulting the operation for, among other permit violations, "the current highwall configuration does not comply with the approved plan." BLM's order also noted, "Based on our inspections and records, BLM has determined that portions of RMI's operations are outside the scope of its approved plan of operations and causing unnecessary or undue degradation, which are prohibited acts."

GSCA requests an immediate investigation as to the cause of the landslide. In addition, as the quarry is now undoubtedly not in compliance with its federal and state permits and approvals issued by BLM and the State of Colorado, we request an immediate cessation of operations at the site.

Cessation is also warranted due to the obvious safety concerns at the site, both in the slide area as well as adjacent areas where further slides may occur. At the very minimum, operations should not continue while the applicable federal and state mining and health and safety agencies are investigating the cause of the failure as well as conducting necessary risk assessments. In addition to the ongoing safety risk, due to the drastically-changed conditions at the site, the previous BLM and State approvals no longer apply in any event, as those plans and approvals did not contemplate operations under the new site conditions.

Under BLM's mining regulations:

BLM may order an immediate, temporary suspension of all or any part of your operations without issuing a noncompliance order, notifying you in advance, or providing you an opportunity for an informal hearing if-

- (i) You do not comply with any provision of your notice, plan of operations, or this subpart; and
- (ii) An immediate, temporary suspension is necessary to protect health, safety, or the environment from imminent danger or harm.

43 C.F.R. §3809.601(b)(2).

State of Colorado mining regulations also authorize the Division of Reclamation, Mining & Safety (DRMS) to suspend operations in the face of an imminent risk to the environment and safety. Under the Colorado Mined Land Reclamation Act (MLRA) and implementing regulations established by the Mined Land Reclamation Board (MLRB) and carried out by the DRMS, the mine operator must ensure the geotechnical stability of all slopes at a mine site. MLRB Rule 6.5. Any slope failure at a mine site must be reported to the DRMS and MLRB within 24 hours. C.R.S. § 34-32-121.5; MLRB Rule 8. Any such slope failures may be subject to a DRMS emergency response to take immediate action to safeguard the area. C.R.S. §§ 34-32-

122, 124.5; MLRB Rule 8.4.1. Further, slope failures are subject to MLRB and DRMS enforcement procedures for violations of the MLRA, the regulations, and relevant reclamation permit. C.R.S. § 34-32-124; MLRB Rule 3.3.

Thank you for your prompt attention to this important matter to the citizens of Glenwood Springs.

Sincerely,

Jeff Peterson
President

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