



April 6, 2023

J.C. York
J&T Consulting, Inc.
305 Denver Avenue, Suite D
Fort Lupton, CO 80621

**Re: J-2 Contracting Company, Sunset Industrial Pit, File No. M-2023-001,
112c Permit Application Adequacy Review**

Mr. York,

The Division of Reclamation, Mining and Safety (Division/DRMS/Office) reviewed the content of the J-2 Contracting Company 112c permit application for the Sunset Industrial Pit, File No. M-2023-001 and submits the following comments. The Division is required to issue an approval or denial decision no later than April 26, 2023, therefore a response to the following adequacy review concerns should be submitted to the Division as soon as possible.

The review consisted of comparing the application content with the specific requirements of Rules 1, 3, 6.1, 6.2, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials effective date July 15, 2019. Any inadequacies are identified under the respective exhibit heading along with suggested actions to correct them.

Comments

1. The Division received state agency comments from History Colorado, Colorado Parks and Wildlife, Division of Water Resources and public comments from Anderson's Sales & Salvage, Inc. Copies of the comment letters were emailed to the Applicant as they were received by the Division and are attached. Please address the comments in the letters and revise the permit application accordingly.

No objections to the permit application were received by the Division during the public comment period.

1.6 Public Notice

2. Pursuant to Rules 1.6.2(1)(d) and 1.6.5(1), please submit proof of publication in a newspaper of general circulation in the locality of the proposed mining operation.

The Applicant submitted proof of publication in the Greeley Tribune to the Division via email on March 7, 2023. No additional response is required by the Applicant.



3. Pursuant to Rule 1.6.2(e), please submit proof of the notice to all owners of record of surface and mineral rights of the affected land and the owners of record of all land surface within 200 feet of the boundary of the affected land including all easement holders located on the affected land and within 200 feet of the boundary of the affected land. Proof of notice may be return receipts of a Certified Mailing or by proof of personal service.

The Applicant submitted proof of notice to the owners of record of all land surface within 200 feet via email to the Division on February 21, 2023. On March 7, 2023, the Applicant provided Division with the return receipts of the certified mailings or other documentation for all owners of record including easement owners.

4. Please provide proof of notice to the Owners of Record of the surface and mineral rights of the affected land, Sunset Industrial, LLC, pursuant to Rule 1.6.2(e).

6.4 Specific Exhibit Requirements - Regular 112 Operations

The following items must be addressed by the Applicant in order to satisfy the requirements of C.R.S. 34-32.5-101 et seq. and the Mineral Rules and Regulations of the Mined Land Reclamation Board:

6.4.1 Exhibit A - Legal Description

5. Pursuant to Rule 6.4.1(2), the main entrance to the mine site shall be located based on a USGS topographic map showing latitude and longitude. The Applicant provided the coordinate to the entrance located in the southwest corner of the site.

During the pre-operational inspection conducted on March 30, 2023, the Applicant stated the primary entrance might be relocated to the existing entrance east of the transfer station. Please commit to updating Exhibit A if the main entrance to the mine site is relocated in the future.

6.4.4 Exhibit D - Mining Plan

6. The Applicant states 8th Street is immediately adjacent to the west side of the permit boundary. The Division believes the Applicant intended to state 8th Street is located immediately adjacent to the south side of the permit boundary. Please review Exhibit D and revise the exhibit accordingly.
7. The Applicant states a concrete and asphalt batch plant will be located within Phase 2 in the future. Please commit to providing the Division with the appropriate Weld County zoning for the plants prior to construction and operation of the plants.
8. The Applicant states the concrete truck washout area will be a 30-foot by 20-foot three cell concrete structure. Please provide a typical layout detail for the processing facilities, including the washout area, proposed in the Phase 2 - Batch Plant Area on the Exhibit C map.

9. The Applicant states the mineral deed requires that no surface facilities are located on this property. Please revise Exhibit D to clarify what type of surface facilities are not allowed on the property by the deed and update Exhibit D accordingly.
10. The Applicant states mining will not expose groundwater prior to the slurry wall being constructed around each phase. During the pre-operational inspection conducted on March 30, 2023, the Applicant stated the intent is to mine the upper portion of the phases within 3 to 4 feet of the anticipated high groundwater elevation prior to installation of the slurry walls. Please update Exhibit D to explain the proposed mining sequence for the mining phases.
11. The Applicant states the design specification for the slurry wall and quality control procedures used during construction will ensure that the reclaimed reservoir meets State Engineer's Office (SEO) performance standards. Please commit to providing the slurry wall design and/or as-built documents as a technical revision to the permit when available.
12. The Applicant states all soil and overburden material will be used on-site for reclamation and long-term stockpiling is not anticipated. Please clarify the location of the stockpiles in Exhibit D. The Exhibit C maps indicate stockpile areas in the western section of Phase 2 and along the western boundary of Phase 1. Please state if the stockpiles will be stored in these storage areas or around the perimeter of the site as a visual berm. Please revise Exhibits C and D accordingly.

6.4.5 Exhibit E - Reclamation Plan

13. The Applicant states during reclamation activities, inlet and outlet facilities for the reservoir will be designed and installed once the operational criteria of the proposed reservoir have been identified by an end user. Please commit to providing the inlet/outlet structure design and/or as-built documents as a technical revision to the permit when available.
14. In the Topsoiling section of Exhibit E, the Applicant states approximately the top six inches of soil on the property is classified as topsoil. In Exhibit D, the Applicant states the depth of the topsoil is approximately twelve inches over the majority of the mining area. Please explain this discrepancy and revised Exhibits D and E accordingly.
15. The Applicant proposes to monitor groundwater levels through both interior and exterior monitoring wells installed or have access to before, during and after the mining and reclamation is complete so impacts to the groundwater table can be identified and address by the Applicant. Please commit to providing all available groundwater elevation data and a well location map annually to the Division with the annual report for the site.

6.4.7 Exhibit G - Water Information

16. The Applicant states 8th Street is immediately adjacent to the west side of the permit boundary. The Division believes the Applicant intended to state 8th Street is located immediately adjacent to the south side of the permit boundary. Please review Exhibit G and revise the exhibit accordingly.

6.4.9 Exhibit I - Soils Information

17. The Applicant provided a brief version of the NRCS soil survey for the proposed mine site. Please submit a full version of the NRCS soil survey with soil profile depths for the proposed mine site for Division review.

6.4.12 Exhibit L - Reclamation Costs

18. The Division reviewed the phased reclamation cost estimate provided in the permit application. The structure of the estimate is acceptable to the Division. The Division recommends setting the initial required financial warranty amount for the site at the Phase 1a and 1 warranty amount.

During the pre-operational inspection conducted on March 30, 2023, the consultant J&T Consulting, Inc. stated a revised reclamation cost estimate would be submitted to the Division soon. The Division will determine the required financial warranty for the site based on the revised cost estimate when available.

6.4.13 Exhibit M - Other Permit and Licenses

19. Please commit to providing copies of all required and approved permits and licenses to the Division when available.

6.4.16 Exhibit P - Municipalities Within Two Miles

20. The Applicant listed the City of Greeley as the only municipality within two-miles of the proposed mine site. Please verify there are no other municipalities located within 2 miles of the proposed mine site.

6.4.18 Exhibit R - Proof of Filing with County Clerk and Recorder

21. Please provide an affidavit or receipt indicating the date on which the revised application information required to address this adequacy letter was placed with the Weld County Clerk and Recorder for public review, pursuant to Subparagraph 1.6.2(1)(c).

6.5 Geotechnical Stability Exhibit

22. The Division reviewed and will accept the stability analysis demonstrating the required offsets from the structures within 200 feet of the affected area of the proposed mine site if the Applicant is unable to obtain notarized structure agreements with all structure owners.

Please be advised the Sunset Industrial Pit application may be deemed inadequate, and the application may be denied on April 26, 2023, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division. If more time is needed to complete the reply, the Division can grant an extension to the decision date. This will be done upon receipt of a written waiver of the Applicant's right to a decision by April 26, 2023 and request for additional time. This must be received no later than the decision date.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,



Peter S. Hays
Environmental Protection Specialist

Enclosures - History Colorado, Colorado Parks and Wildlife, Division of Water Resources and
Anderson's Sales & Salvage, Inc. comment letters

Ec: Jared Ebert, Division of Reclamation, Mining & Safety