

RPM, Inc.

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September 7, 2023

Colorado Division of Reclamation, Mining and Safety  
Attn: Mr. Joel Renfro  
1001 E. 62<sup>nd</sup> Ave., Rm 215  
Denver, CO 80216

RE: Corrective Actions, Permit No. M2009-077, Dill Pit

Dear Mr. Renfro,

Thank you for giving us the opportunity to respond to the Colorado Division of Reclamation, Mining and Safety's concerns (CDRMS). Attached is a Letter of Authorization which gives RPM the authority to represent Tracy and Ed Grimes (the permit holders) in addressing the inspection report concerns.

In order to properly address the CDRMS's corrective actions, we request we be given until September 29, 2023, to address the concerns. We need additional time to adequately comment on CDRMS's bond calculation. We may also need additional time to discuss with CDRMS the topsoil pile issue and County Road culvert.

**Problem #1:**

*"The Division found that 1.9 acres of land, immediately east of the operation, have been affected outside of the approved permit boundary. Imported silty clay has been stockpiled outside of the permit boundary with the intent to use for reclamation. The stockpiles are stored on property owned by the operator and have not yet been used in reclamation of the mining operation. Using these stockpiles in reclamation of the mining operation would result in a possible violation pursuant to C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damage occurring during the mining operation. **CORRECTIVE ACTIONS: If the operator wishes to use any of the material stored outside of the permit boundary for the mining operation, an Amendment application must be submitted to expand the permit boundary to include the stockpile area. Alternatively, if the operator plans to use the material on their property, and not for reclamation of the mining operation, a written commitment shall be submitted stating as such. Either the above reference Amendment application or the written commitment must be submitted to our office by the corrective action due date.**"*  
(Emphasis added)



**RPM, Inc.**

**Response:**

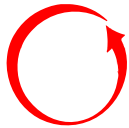
As requested, the Grimes commit we will not use the stockpile in question on our M2009-007 permitted mine site, known as the Dill Pit, until a permit revision for such use is approved.

I believe we can agree on the following:

- Tracy and Ed Grimes (Grimes) not only hold the permit, but they are also the landowners.
- As landowners, one may assume they have the best interests of the property in mind.
- The Grimes intend to address the erosion/County culvert issue with the County. We maintain the County must first fix the culvert issue prior to the Grimes doing additional repair work.

In addition, we suggest the following:

- The Grimes have a good record with CDRMS as to site compliance. They would not have knowingly jeopardized that record and relationship with the CDRMS by risking a potential violation. According to the Grimes personal communication to me, it was Grimes understanding that the approval letter from the CDRMS dated 2/24/2017 which was in response to the Grimes "Notice of Request to import fill...", dated 2/13/2017, allowed the Grimes to stockpile the material adjacent to the mine permit boundary. ("If placed in a temporary stockpile, the material will be located close to the point of use so it may be easily placed.", Notice and Request to import fill...,2/13/2017)
- We believe Regulation *C.R.S. 34-32.5-116(4)(i)* and the position of the CDRMS allows the following.
  - The stockpiled material is the property of the Grimes. The topsoil material would only become a part of the M2009-077 permit if the Grimes intended to use it for M2009-077 reclamation. We have stated the Grimes will not use it for reclamation unless a permit revision to do so is approved by the CDRMS.
  - We suggest there is nothing in our reading of *C.R.S. 34-32.5-116(4)(i)* which prevents a landowner from accepting fill material from off site and its placement on its own private property, as long as it is outside a mine site permit boundary.
  - The material stockpiled outside the permit boundary does not meet the definition of CRS 34-32.5-103 (13). Therefore, the Grimes may sell the topsoil material, as it sees fit, to any potential buyer, since it is not a natural occurring material and therefore does not fall within the authority of the Mined Land Reclamation Act for Construction Material. (We request additional discussions from the CDRMS on this question.)



**RPM, Inc.**

**Comments on the new bond calculation:**

As requested above, we will need additional time to address the increase in the bond.

We appreciate your time and consideration,

H. Bruce Humphries

Consultant to

Ed and Tracy Grimes

Cc: Tracy and Ed Grimes  
[yuccaridgesand@zimbracloud.com](mailto:yuccaridgesand@zimbracloud.com)

Encl: Letter of Authorization



RPM, Inc.

**Authorization to Represent:**

**Yucca Ridge Sand & Gravel, LLC  
Ed & Tracy Grimes**

PO Box 399  
Limon, CO 80828  
yuccaridgesand@zimbracloud.com

**Letter of Authorization**

August 21, 2023

Division of Reclamation, Mining and Safety  
1001 E. 62<sup>nd</sup> Ave., Rm 215  
Denver, CO 80216

Re: Authorized Representative for Ed & Tracy Grimes

Division of Reclamation, Mining and Safety:

With this letter, Mr. H. Bruce Humphries of Regulatory Permits Management, Inc., is hereby authorized to represent Ed and Tracy Grimes in matters related to agency permits, licenses, and approvals before the Division of Reclamation, Mining and Safety, and the Colorado Mined Land Reclamation Board for the permit known as the Dill Pit, Permit Number M2009-077. His contact information is shown below.

Mr. H. Bruce Humphries  
Regulatory Permits Management Inc.  
25049 E. Alder Dr.  
Aurora, CO 80016  
303-854-7499  
hlhumphries2@comcast.net

Respectfully,

Ed Grimes  
719-740-1275

Tracy Grimes  
719-740-1898