



December 15, 2023

Colorado Division of Reclamation, Mining, and Safety
Mrs. Amber Gibson
Environmental Protection Specialist
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Updates to Corrective Action Requirements for the Inspection Problems Cited in the Report for the July 24, 2023 Inspection of the Tomahawk Mine, No. M-1991-003

Dear Mrs. Gibson:

General Shale Brick, Inc. (GSB) is in receipt Updates to Corrective Action Requirements for the Inspection Problems Cited in the Report for the July 24, 2023 Inspection of the Tomahawk Mine, No. M-1991-003 dated November, 2023. The inspection cites 2 problems:

1. *INSPECTION TOPIC: Explosives*

PROBLEM: The current mine plan does not contain a geotechnical stability exhibit or a blasting plan, pursuant to Rules 6.4.4(i) and 6.5(4). The mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The Operator must provide sufficient information to describe or identify how the Operator intends to conduct the Operation.

CORRECTIVE ACTIONS: The Operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed blasting activities and a demonstration that blasting will not adversely affect off-site areas by the corrective action date.

CORRECTIVE ACTION DUE DATE: 2/01/24

UPDATED CORRECTIVE ACTIONS: As you stated, the Tomahawk Mine is operated as a campaign mine (approximately on a five year basis), in which active blasting and extraction is not anticipated for the next few years. Because the Operator is actively working on amending the permit, and does not anticipate blasting for the next few years, the Division will resolve this problem if the Operator commits, in writing, to submitting a geotechnical stability exhibit and blasting plan prior to reinitiating extraction at the site.

UPDATED CORRECTIVE ACTIONS DUE DATE: 1/01/24

General Shale commits to submitting a geotechnical stability exhibit and blasting plan prior to reinitiating extraction at the site.

2. *INSPECTION TOPIC: Signs & Markers*

PROBLEM: The affected area boundary markers are missing or incorrectly placed. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.



CORRECTIVE ACTIONS: The Operator shall conduct a survey and replace the boundary markers in the correct location(s). The Operator shall provide proof to the Division that this has been done by the corrective action date.

CORRECTIVE ACTION DUE DATE: 12/04/23

UPDATED CORRECTIVE ACTIONS: Upon additional review of the permit file and the approved mining plan, the Division interprets the entire permitted area to be approved to be affected. However, per the mining plan, prior to affecting areas outside of the Phase boundaries, a Technical Revision would be submitted and would include updated mining and reclamation plans. Also, per the mining plan, the maximum allowed disturbance at any one time is 21.0 acres.

To abate the inspection problem, and to refine the shape of the Phased areas as you have requested, please submit a Technical Revision to:

- Address the change in shape of the boundaries within/around the Phases.*
- Update mining and reclamation plans, mining and reclamation plan maps, and any other relevant exhibits of the 112c permit.*
- Explain how you will stay out of the drainages. If you choose to include buffer areas, please indicate how these will be marked in the field.*
- Determine a current estimate of maximum acreage to be disturbed at any one time if it differs from the currently approved 21 acres.*
- Indicate any changes to the order of operations at the site.*

UPDATED CORRECTIVE ACTIONS DUE DATE: 1/01/24

General Shale is continuing to work on amending the Tomahawk Mine permit. The items mentioned above will be covered in the permit amendment. Rather than doing this work twice General Shale would prefer to update these items with the permit amendment. The next mining campaign is approximately in 5 years and General Shale does not anticipate mining in the next 5 years.

General Shale commits to submitting updated mining and reclamation plans, mining and reclamation plan maps, and any other relevant exhibits of the 112c permit prior to reinitiating extraction at the site. These plans would detail how we will stay out of the drainages, update the maximum disturbed acreage, and any other changes to the permit.

Please feel free to contact me with any questions at 303-783-3058 or by email at jason.mcgraw@generalshale.com.

Sincerely,
General Shale Brick, Inc.

A handwritten signature in blue ink that reads 'Jason E. McGraw'.

Jason E. McGraw P.E.
Mine Supervisor