



May 2, 2024

Amy Yeldell
Colorado Department of Natural Resources
Division of Reclamation, Mining, and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: White River Pit, Permit No. M-2008-070, Notice of Temporary Cessation TC-01 Initial Period, Notice of Incompleteness

Dear Ms. Yeldell,

OWL SWD Operating, LLC received a Notice of Incompleteness on April 3, 2024, in regard to revising the permit status for the above listed site to Temporary Cessation. Pursuant to Rule 1.13.5(2)(a), (c), (d), and (e), this letter is provided to meet the requirements listed in the Notice of Incompleteness.

1. Production ceased 3/25/2024, the initial 5-year cessation period will end 3/24/2029.
2. If OWL SWD Operating, Inc. determines to resume mining operations at this facility, they will submit a Notice of Resumption of Mining operations 30-days prior to reactivation. Pursuant to Rule 1.13.6 the notice will include:
 - a. Date of resumption of mining operations;
 - b. Detailed description of the mining operations that are to resume;
 - c. Anticipated date of the resumption of production;
 - d. Measures to be taken to comply with reclamation requirements and/or other activities related to the performance standards or Rule 3.1 including, but not limited to, any permit requirements for environmental monitoring and water treatment required;
 - e. Demonstration that the existing Financial Warranty is adequate to cover the reclamation liability; and
 - f. Demonstration that any resumption of mining activities must be legitimate in nature considering the scale of the mining operation and is orderly or advances the mining operation or final reclamation.
3. The measures to be taken to comply with reclamation requirements and/or other activities related to the performance standards of Rule 3.1 while the mine is in Temporary Cessation include:
 - a. Maintain CDPHE Air Pollution Control Division Construction Permit requirements per Permit No. 08RB0071F.
 - b. Maintain CDPHE Stormwater Monitoring Requirements per certification COG501983.
 - c. Commence groundwater reclamation if the Board orders OWL SWD Operating, LLC to do so.
 - d. Maintain grading to control erosion and siltation, and to protect areas outside the affected land from slides and other damage.
 - e. Maintain backfill with adequate compaction for stability and to prevent leaching of toxic or acid-forming materials.



- f. Ensure all refuse and acid forming or toxic producing materials that have been mined shall be handled and disposed of in a manner that will control unsightliness and protect the drainage from pollution.
 - g. Make changes to the site as needed in consideration of the protection and safety of wildlife.
 - h. Maintain methods of weed control, such as herbicide application, to prohibit noxious weed species.
4. The existing Financial Warranty is a bond of \$126,419, which was updated per the Division's instruction following their November 2023 inspection and report. In the event the Office or Board determines the financial warranty is inadequate the Permittee will post an additional Financial Warranty within sixty (60) days of the written notice. If the Permittee disagrees with the Board a hearing before the Board will be scheduled.

Please let me know if you have any questions or need any additional information regarding the items in this response. You may contact me by email at dcyr@cgrs.com or by phone at (907)244-2730.

Regards,

Dani Cyr
Staff Engineer
CGRS, Inc.

Reviewed by:

Kristan Buck, PhD, PE, CWP
Senior Engineer
CGRS, Inc.