



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources

May 2, 2024

Joseph Harrington
MineWater LLC
10924 Leroy Dr.
Northglenn, CO 80233

**Re: Notice of Filing Deficiencies, 110c Construction Materials Limited Impact Application
London Borrow Pit, File No. M-2024-016**

Dear Mr. Harrington,

On April 18, 2024, the Division of Reclamation, Mining and Safety (Division) received your 110c Construction Materials Limited Impact Operation Reclamation Permit Application for the proposed London Borrow Pit operation and assigned it File No. M-2024-016. Pursuant to Rule 1.4.1(8), the Division has determined the application contains deficiencies which prevent the application from being considered filed. Please respond to this Notice of Filing Deficiencies with the requested information and summarize each response to the numbered items below, in a cover letter titled "Response to Notice of Filing Deficiencies, M-2023-015".

EXHIBIT A – Legal Description and Location Map (Rule 6.3.1):

1. The Exhibit A Location Map does not include all the required information outlined in Rule 6.3.1(3). Please revise the Location Map to include sufficient information on the existing roads or access routes to be used in connection with the mining operation and show the names of all immediately adjacent surface owners of record.
2. Although not a filing requirement, the Division requests a table of the latitude/longitude coordinates for each of the proposed permit boundary corners. This information will be utilized in the review of the permit application once it is found complete for filing, assist the Division in conducting future inspections of the operation, and provide a more thorough permit file.

EXHIBIT G – Source of Legal Right-to-Enter (Rule 6.3.7):

3. Exhibit G contains printouts of the Park County Assessor's parcel detail showing MineWater Finance LLC is the owner of record of the affected lands. Rule 6.3.7 requires documentation to be submitted regarding the Applicant's legal right to enter to conduct mining and reclamation for the surface and subsurface of the affected lands. As the Applicant and the owner of record are different entities, the Applicant must comply with Rule 6.3.7 by providing either a lease agreement between MineWater LLC and MineWater Finance LLC or a signed and notarized statement by MineWater Finance LLC stating MineWater LLC has the legal right to enter to conduct mining and reclamation.

EXHIBIT I – Proof of Filing with County Clerk (Rule 6.3.9):

4. In accordance with Rule 1.6.2(2), please submit proof that the revisions associated with this letter have been placed for public review with the original application at the local County Clerk and Recorder.



EXHIBIT J – Proof of Mailing Notices to Board of County Commissioners and Conservation District (Rule 6.3.10):

5. Exhibit J contains certified mailing receipts showing the notices were mailed to the Park County Board of County Commissions and the Teller-Park Soil Conservation District, however, the application does not contain copies of the certified mail return receipts, also known as the signature cards. In accordance with Rule 1.6.2 (1)(a)(ii), please submit Proof of Notice in the form of certified mail return receipts or date-stamped copies of the notices acknowledging receipt by the local Board of County Commissions and the Soil Conservation District. As discussed with the Applicant's consultant on May 2, 2024, proof of noticing may also be demonstrated by submitting a copy of an electronic acknowledgment from the appropriate Board.

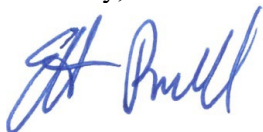
Your 110c Permit Application will not be considered filed until the information listed above is received and found sufficient to begin our review. A decision date will be established 30 days from the date of receipt and acceptance of all of the requested information. Please note, if you have already published notice you will need to republish notice, but only after the Division considers the application filed; the Division will notify you when you should initiate publication of your notice. This notice must be published once within 10 days of the date your application is considered filed. The final date for receiving comments is the 10th day after the publication or the next regular business day.

Pursuant to Rule 1.4.1(8), you have 60 days from the date of this letter to submit all necessary documents that the Division needs for an application to be considered filed. If, at the end of the sixty day period, the application has not been determined to be filed with the Division, the Division may deny the application and terminate the application file. **The response to this Notice of Filing Deficiencies is due on or before July 1, 2024.**

This letter shall not be interpreted to mean that there are no other deficiency or adequacy requirements in your application. The Division will review your application to determine whether it is adequate to meet the requirements of the Act and Rules after submittal of all required items.

If you have any questions, please contact me at 303-866-3567 ext. 8132 or elliott.russell@state.co.us.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

Cc: Zach Trujillo, Division of Reclamation, Mining & Safety
Ben Langenfeld, Lewicki & Associates