

STATE OF  
COLORADO

Carter - DNR, Jocelyn &lt;jocelyn.carter@state.co.us&gt;

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## St. Barbara Sand and Gravel Mine M-2004-013 Technical Revision TR-3 Adequacy Review

1 message

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**Carter - DNR, Jocelyn** <jocelyn.carter@state.co.us>

Fri, May 31, 2024 at 3:21 PM

To: Mike Golliher &lt;mgolliher@petelien.com&gt;

Cc: Amy Eschberger - DNR &lt;amy.eschberger@state.co.us&gt;, ddeboer@petelien.com

Good afternoon Mike,

Please see the attached adequacy review letter for the Technical Revision (TR-3) submitted on May 20, 2024. The decision date for TR-3 is currently June 19, 2024. If additional time is needed to provide a response to this letter, please submit an extension request prior to the decision date.

Thank you,  
Jocelyn

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Jocelyn Carter  
Environmental Protection Specialist  
Division of Reclamation, Mining, and Safety  
1313 Sherman St Suite 215  
Denver, CO 80203  
cell: (720) 666-1065



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May 31, 2024

Michael Golliher  
Pete Lien & Sons, Inc  
P.O. Box 440  
Rapid City, SD 57709

**RE: St. Barbara Sand and Gravel Mine, Permit No. M-2004-013; Technical Revision Request (TR-3), Adequacy Review No. 1**

Dear Mr. Golliher,

On May 20, 2024, the Division of Reclamation, Mining, and Safety (Division/DRMS) received the Technical Revision application (TR-3) for the St. Barbara Sand and Gravel Mine operation, Permit No. M-2004-013. The submittal of this application is in accordance with the corrective action that was required by a problem cited in the Division's inspection report issued April 22, 2024, by the Division. The Division observed during the March 19, 2024, inspection the operation has disturbed more than the 80 acres approved to be disturbed at any time. This problem requires the Operator to submit a Technical Revision to increase the maximum disturbance amount to cover, at a minimum, the existing disturbance at the site.

After a review of the submitted application, the Division has identified the following items that need to be addressed and/or further clarified before an approval of TR-3 can be issued.

1. The application submitted requests to "redefine disturbed acreage so that it does not include plant, stockpile, backfilled, graded or seeded areas". Rule 1.1(3) defines affected land as "the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of such operation". The Division considers lands disturbed by a processing plant or stockpiles, and previously disturbed lands that have been backfilled, graded, and/or seeded to be affected lands. Additionally, all lands disturbed/affected by a mining operation must be included in the approved maximum disturbed area at any time until these lands have been fully reclaimed in accordance with the approved reclamation plan and released from the permit through the Division's approval of an operator's request for a partial release/acreage reduction. Furthermore, the Financial Warranty posted by the Operator must cover all disturbed lands until they have been fully reclaimed and released from the permit. Accordingly, the Operator's proposed changes to the wording in Exhibit L – Reclamation Costs cannot be approved by the Division. As stated above, this revision is required corrective action for a problem cited in the Division's April 22, 2024, inspection report. In this report, the Division directed the operator to increase the acreage that will be disturbed at any given



time to, at a minimum, account for the current disturbance, estimated to cover 94.5 acres. Please revise the application accordingly.

2. The Operator submitted comments on April 24, 2024, regarding the Division's bond estimate provided with the April 22, 2024, inspection report. Because the Division will be reassessing the required Financial Warranty through its review of this revision, please re-submit any comments regarding the bond estimate in your response to this letter, ensuring they reflect the increased disturbance amount. Additionally, please submit any maps necessary to identify portions of the disturbed area that have been backfilled, graded, topsoiled, and/or seeded. Maps need to meet the requirements outlined in Rule 6.2.1(2).
3. To fully address the required corrective actions, this application must update Exhibit D – Mining Plan to increase the maximum disturbed area at any time in addition to the submitted Exhibit L – Reclamation Costs. Please submit an updated Exhibit D.
4. The Exhibit L – Reclamation Costs supplied with the application does not provide a breakdown of the major phases of reclamation with their associated costs as required by Rule 6.4.12(1). Therefore, please resubmit Exhibit L -Reclamation Costs to include this information.
5. The Exhibit L – Reclamation Costs submitted provides information about the costs associated with the slurry wall that the Operator intends to construct on this permitted site. Please be advised the Division has updated its policy on bonding for slurry walls. The current policy is for the Operator to bond for 100% of the costs for installing a slurry wall prior to its construction. After the Operator has performed the 90-day leak test required by the Office of the State Engineer (SEO) and received acceptance of the liner from the SEO, the Operator can request a surety reduction to reduce the slurry wall bonding to no less than 20% of the costs. This new policy should be considered whenever the Operator submits the Technical Revision to install the slurry wall. No response is required for this item.

This concludes the Division's preliminary adequacy review. The decision date for TR-3 is currently scheduled for **June 19, 2024**. If additional time is needed to address the adequacy items above, an extension request must be submitted to the Division prior to the decision date.

If you have any questions, please contact me via email at [Jocelyn.carter@state.co.us](mailto:Jocelyn.carter@state.co.us) or phone at (720) 666-1065.

Sincerely,



May 31, 2024  
Pete Lien & Sons, Inc

Jocelyn Carter  
Environmental Protection Specialist

Ec: Dakota DeBoer, Pete Lien & Sons, Inc.  
Amy Eschberger, DRMS