

STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Florence Sand & Gravel Pit / M1992-051 / Board-Ordered Amendment Due by 8/29

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Mon, Aug 5, 2024 at 2:16 PM

To: mlangston@newlci.com

Cc: "Carter - DNR, Jocelyn" <jocelyn.carter@state.co.us>

Hello Mr. Langston,

I'm reaching out to let you know that we received a Technical Revision application (TR-3; see attached) for the Florence Sand & Gravel Pit (from Zac Langston) on 8/2.

After reviewing your TR submittal, it appears there are two primary "revisions" being proposed:

1) Add a sand wash plant to the permit.

2) Address the corrective action required by the Board Order issued on 5/31/24 (see attached): " the Operator must submit an amendment application to update the approved mining and reclamation maps and plans to account for all of the affected land. The Operator shall submit the amendment application within 90 days of the effective date of this Order, with all materials in an approvable form within statutory deadlines."

Please note, we cannot accept a proposed increase in the permit area/affected area through a Technical Revision. Such a change can only be approved through an Amendment application (as required by the Board's corrective action).

I understand there may be some confusion as to the difference between "affected area" and "disturbed area". This may be because we previously approved an increase in the disturbed area for this site through TR-1. I will do my best to clarify these differences. The affected area can be set equal to the permit area or less than the permit area, and it is the total acreage within the permit area that will ever be disturbed/affected by the operation throughout the life of mine. The maximum disturbed area can be set equal to the affected area or less (for phased operations), and it is what you will be bonded for at this time. The maximum disturbed area must cover, at a minimum, all existing disturbed land that has not yet been released from the permit (through an acreage reduction request), and it includes lands that were disturbed and are now reclaimed, but are still part of the permit. Theoretically, as the operation progresses over time, the maximum disturbed area would increase until it eventually matches the affected area (unless portions have been reclaimed and released from the permit). However, the required bond would factor in areas that have been reclaimed, despite those areas remaining in the maximum disturbed area.

So if you wish to increase the maximum disturbed area within the approved permit area (to more than 50 acres), you can do that through a Technical Revision.

However, if you wish to increase the affected area or permit area (to more than 77.40 acres), you'll need to do that through an Amendment application (see attached).

Considering the Mined Land Reclamation Board has already determined there to be affected land outside of your current approved permit area, and has ordered an Amendment application be submitted within 90 days of the Order, **by August 29, 2024**, I would recommend withdrawing the Technical Revision you submitted on 8/2 (we'll return the \$216 fee), and submitting the Amendment application at your earliest convenience.

You've provided tons of details in this TR that you can resubmit in the Amendment. Just make sure the updated mining and reclamation plans and maps address the Board Order items at a minimum. You can include the sand wash plant proposal in the Amendment as well.

I should let you know, we recently shuffled around some counties, and Hunter Ridley is no longer assigned to Fremont County. The new specialist for this county is Jocelyn Carter (copied on this email). However, Jocelyn is currently out on military leave (through 8/13), and her access to email is intermittent during this time. Therefore, feel free to reach out to me directly if you have any questions regarding the Technical Revision you submitted or the required Amendment application.

To withdraw the TR, all we need is an email from you requesting that we withdraw the Technical Revision (TR-3) you submitted on 8/2, and we will get that processed.

Best Regards,

Amy Eschberger
Senior Environmental Protection Specialist



COLORADO
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Mining and Safety
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3 attachments



2024-08-02_REVISION - M1992051_TR-3.pdf
4183K



2024-05-31_ENFORCEMENT - M1992051_Board-Order.pdf
5100K



Construction112App.pdf
309K