



### **INERT FILL NOTICE (RULE 3.1.5(9))**

Fountain Pit - M-1982-155

During the life of the mine Schmidt Construction Company will import inert materials as defined in Rule 1.1(20), into this mining operation. Much of the imported material will be natural sand and rock or aged recyclable asphalt and concrete. Most of this material will be processed and sold and not remain on the site. Some imported materials may be used on roads or placed in areas where sloping is to be done. If courser material is used for backfilling it will be covered with finer material and revegetated where required by the permit. If the material is good dirt we will use it to supplement the topsoil needs for the mined area.

The exact amount of material to be imported is unknown because it will be moved in as it becomes available. It is anticipated that an average of 80,000 to 100,000 tons will be imported each year with 95% of the material being processed and sold as the market demands dictate. We will record the volume imported each year and keep a running total of sales -vs-imports, so if needed, the Division will know how much was imported and how it was disposed of. We will continue to import inert fill until reclamation is complete or we no longer have a source.

No specific compaction rates are proposed for the areas where fill will be used for reclamation. The material usually available contains smaller pieces of concrete, or dirt mixed with the larger pieces of the same material. This makes it very difficult to achieve a specific compaction rate. While we take no action to reach a specific compaction rate, but the way the material is placed tends to compact it. We run heavy equipment over the filled area during the filling process and the material is compacted as a result. Stabilization of this fill material is not a concern because of the way it is placed. What voids do remain are usually under large pieces of material and little settling is possible. The depth of the fill will not be so great as to affect offsite lands if settling occurred.

STATE OF COLORADO                    )  
  ) ss.         AFFIDAVIT  
COUNTY OF EL PASO                 )

**Austin Maher**, as the General Manager of Schmidt Construction Company, being first duly sworn, deposes and says that the material to be imported into the mining operation known as the Fountain Pit - M-1982-155, will be inert material as defined in Mined Land Reclamation Board rule 1.1(20) listed below. At no time will material that does not meet this definition be imported to this site.

**M.L.R.B. Rule 1.1(20)**

"Inert Material" means non-water soluble and non-putrescible solids together with such minor amounts and types of materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. Terms included, but not limited to, earth, sand, gravel, rock, concrete which has been in a hardened state for at least sixty days, masonry, asphalt paving fragments and other inert solids.

  
Austin Maher

**SUBSCRIBED** and sworn to before me this 11<sup>th</sup> day of September, 2024 by Austin Maher, as the General Manager of Schmidt Construction Company, Inc.

  
Notary Public

