

October 7, 2024

Colorado Division of Reclamation, Mining, and Safety
1313 Sherman St, Rm 215
Denver, CO 80203

Carol Ann Pit – M-1997-026
Technical Revision – Incorporation of County Approved Closure Plan
Adequacy Response

Mr. Leigh Simmons

The permittee of the Carol Ann Pit has received and reviewed your adequacy questions for TR-04. They are quoted below:

1. *A copy of the Eagle County Special Use Permit was included with the TR-4 application; however, no update was made to Exhibit E of the Mining Permit, which describes the Reclamation Plan. The plan described in the Mining Permit will need to comply with the terms of the Eagle County SUP (and vice versa), but the two permits are separate.*

Please submit a revised version of Exhibit E of the Mining Permit to describe the Reclamation Plan, in accordance with Rule 6.4.5.

2. *Exhibit F of the Mining Permit is the Reclamation Plan Map. It must show the post-mining land use of all land within the permit area, and the post-mining topography.*

Please submit a revised version of Exhibit F – Reclamation Plan Map, in accordance with Rule 6.4.6.

The approved reclamation plan at the Carol Ann Pit is for industrial/commercial as the site was permitted through the Eagle County land use process for use as an aggregate recycling facility. Site development was conducted in preparation for operation of the site as an aggregate recycling facility in 2021-22. However, due to economic conditions, the operator was not able to operate the recycling facility as originally planned. Therefore, in accordance with the approved Eagle County Special Use Permit, the recycling facility was closed and pre-approved land grading and vegetation procedures have been followed. This process is described in the following paragraph highlighted in the TR-04 submittal (emphasis added):

7.2 Operation Life Span and Wind Down

*Recycling operations such as the Newby facility typically do not have a pre-determined end date. As long as recyclable material is available to bring in at an economic price, Eagle River Materials plans on operating the facility. However, it is still somewhat possible to plan for the eventual shut down of the facility. The bulk of the Newby Aggregate Recycling operation will consist of portable equipment that can be taken from the site in a few days without any demolition work. The truck scale and scale house would require demolition and all their material would be hauled offsite to the local landfill. The onsite wastewater system would be capped and closed. **The access road to the processing and storage area would be left in place for the landowners use. All other areas of disturbed ground would be seeded in accordance with Eagle County revegetation standards at the***

***time of closure.** An Eagle County grading permit would likely be needed to cover any final earthwork done to complete an operation wind down.*

Map 8 – Reclamation Plan in Appendix 5 shows the site’s post operation land plan, including the extent of vegetated areas and the seed mix.

The Map 8 – Reclamation Plan was also provided to CDRMS as part of TR-04.

The map and language from the Eagle County Special Use Permit approval makes it clear that **when** the recycling facility closed, the land would be graded and vegetated for stability. This process is already occurring onsite. With AM-04, the post mine land use of industrial/commercial was approved in the form of the recycling facility in the Eagle County Special Use Permit. Therefore, the grading and vegetation taking place onsite is not a change to the approved CDRMS reclamation plan, it is the proper execution of the **approved** CDRMS reclamation plan. Rules 6.4.5 & 6.4.6 are being met in both their spirit and letter; revising CDRMS Exhibits E and/or F would be superfluous.

Regards,



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