



STATE OF
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

M1997026, Carol Ann Pit

Simmons - DNR, Leigh <leigh.simmons@state.co.us>
To: Ben Langenfeld <benl@lewicki.biz>
Cc: "bob7777@centurytel.net" <bob7777@centurytel.net>

Tue, Oct 8, 2024 at 4:57 PM

Ben,

I talked it over with my supervisor and I'm afraid there's no flexibility on this one. The Division's response is attached.

Please let me know if you have any questions,

Leigh

Leigh Simmons
Environmental Protection Specialist



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

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M1997026_TR4_AdequacyReview_2.pdf
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COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

Bob Newby
Carol Ann Pit, LLC.
PO Box 1209
Gypsum, CO, 81637-1209

October 8, 2024

Re: Carol Ann Pit (M-1997-026)
TR-4, Second Adequacy Review

Dear Mr. Newby,

The Division received the response (from Ben Langenfeld of Lewicki & Associates) to the initial adequacy review of the materials submitted with the Technical Revision No. 4 (TR-4) application on October 8, 2024.

Mr. Langenfeld made the point that the approved Eagle County Special Use Permit was already submitted with TR-4, and that the map and language in that permit specify that when the recycling facility closed, the land would be graded and vegetated for stability. The Division acknowledges that this process is already occurring onsite.

Mr. Langenfeld stated:

With [AM-01], 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

The Division does not accept this conclusion; sending DRMS a copy of a permit approved through another agency or county does not satisfy the statutory requirements for a reclamation permit. An operator, or their agent, must organize their permit application materials by the appropriate exhibit heading and address all requirements of each exhibit (as well as the applicable Rule 3 reclamation performance standards). If any portion of the approved permit application materials changes over the life of the mine, the operator must submit the appropriate revision to update the applicable exhibit(s) accordingly – hence the need for TR-4. The Division will not be able to approve a release for a site if the existing ground conditions and reclamation do not match what was approved.

Therefore, the two requests from the initial adequacy review are restated:

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 decision due date for TR-4 is October 12, 2024. If necessary, please request an extension to this date that will give you sufficient time to respond to this adequacy review.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Simmons", is positioned above the typed name.

Leigh Simmons
Environmental Protection Specialist

cc: Ben Langenfeld; benl@lewicki.biz