



October 29, 2024

Chris Oestreich
BURNCO
10100 Dallas St.
Henderson, CO 80640

RE: North LaPoudre Pit, Permit No. M-2000-144 , Technical Revision 2 (TR-2), Adequacy Review

Dear Mr. Oestreich:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced Technical Revision which revises the final reclamation plan to allow for backfilling the Middle mining cells and includes a preliminary design for a clay lined pond in the East area. During review of the material submitted, the Division determined that the following issues of concern shall be adequately addressed before the Technical Revision can be considered for approval. Please provide the following:

1. TR-2 states, “the mining cells in the Middle area of the site will be backfilled to rangeland similar to the West and East areas of the mine.” Additionally, the Reclamation Cost Estimate displays a cost for placing inert fill in the Middle Area. Please provide the source of the backfill for this task.
2. TR-2 states, “the West area, amended into the North LaPoudre Mine in 2017 has been mined out and is backfilled to grade and reclaimed.” Per the approved 2017 Amendment 01, BURNCO committed to, “at the time of reclamation, if any offsite material is used as backfill, submitting a notarized letter to the Division indicating the materials are inert.” Please provide the source of the backfill that was placed in the West mining area, prior to topsoiling and seeding.

In accordance with Rule 3.1.5(9), if an Operator intends to backfill inert structural fill generated outside the approved permit area, it is the Operator’s responsibility to provide the Office notice of any proposed activity not identified in the approved Reclamation Plan. The Notice to the Office shall include but is not limited to:

- (a) a narrative that describes the approximate location of the proposed activity;
- (b) the approximate volume of inert material to be backfilled;
- (c) a signed affidavit certifying that the material is clean and inert, as defined in Rule 1.1(22);
- (d) the approximate dates the proposed activity will commence and end, however, such dates shall not be an enforceable condition;
- (e) an explanation of how the backfilled site will result in a post-mining configuration that is compatible with the approved post-mining land use; and
- (f) a general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids.



Based on the information provided in TR-2, please submit a signed Affidavit and Inert Fill Notice to the Division in accordance with Rule 3.1.5(9).

A decision due date of November 7, 2024 has been set for TR-2. If any adequacy issues remain by the decision date, the Division may deny your request. If you cannot address the above issues by November 7, 2024, please request an extension to the decision due date to ensure adequate time for the Division to review materials.

The Division will continue to review your Technical Revision and will contact you if additional information is needed. If you require additional information, or have questions or concerns, please feel free to contact me via email at nikie.gagnon@state.co.us or by phone at 720-527-1640.

Sincerely,



Nikie Gagnon
Environmental Protection Specialist

Enclosure: Importation of Inert Fill form

Ec: Joel Bolduc, BURSCO
Jared Ebert, Senior EPS, DRMS



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

REQUEST FOR TECHNICAL REVISION (TR) Importation of Inert Fill

File No.: M-_____ Site Name: _____

County: _____ TR# _____ (DRMS Use only)

Permittee: _____

Operator (If Other than Permittee): _____

Permittee Representative: _____

The request for a TR is not considered “filed for review” until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR. Page 2 is designed to address the requirements of Rule 3.1.5(9). It is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted (mark only one)</u>
110c, 111, 112 construction materials, and 112 quarries	\$216	
112 hard rock (not DMO)	\$175	
110d, 112d(1, 2 or 3)	\$1006	
2018-2019 Wildfire Material Debris Removal	Waived	



COLORADO

Division of Reclamation, Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

Rule 1.1(24)/1.1(20) "Inert Material" means non-water-soluble and non-putrescible solids together with such minor amounts and types of other materials, unless such materials are acid or toxic producing, as will not significantly affect the inert nature of such solids. The term includes, but is 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.

****Rebar or other protruding reinforcements must be removed prior to placement. All material must be buried to a minimum of 3 feet below final surface grade.**

-
1. General Description of material to be imported: _____

 2. Approximate volume of inert material to be backfilled: _____
 3. Estimated dates of commencement: _____ and completion: _____
 4. Use/purpose of imported material: _____

 5. A general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids. _____

Enclosed is a map showing the proposed location of the inert material.

3.1.5(9)(c) - Affidavit

I _____ of _____ hereby
certify that only clean and inert material will be imported at _____.
All material will adhere to the Division's definition of Inert Material as defined in Rule
1.1(24)/1.1(20).

Signature: _____ Date: _____