



February 11, 2025

Submitted via email (jocelyn.carter@state.co.us)

Ms. Jocelyn Carter
Division of Reclamation Mining and Safety
1313 Sherman St., Rm. 215
Denver, CO 80203

RE: GCC Rio Grande, Inc., Pueblo Plant, Reclamation Permit No. M-2002-004, Technical Revision No. 13 (TR-13) Beneficial Use of Coal Reject Material and Update to Financial Warranty Cost Estimate, Adequacy Review #2

Dear Ms. Carter:

GCC Rio Grande, Inc., Pueblo Plant (GCC) submitted a request for Technical Revision 13 (TR-13) to the GCC Permit on March 28, 2024. The Division of Reclamation Mining and Safety (DRMS) responded in its Adequacy Review letter on April 16, 2024 and provided a follow-up review on January 16, 2025 with remaining items with requested information from GCC. Please see GCC's responses ([light blue text](#)) to the remaining adequacy items below. GCC has excluded the adequacy items from the initial review that have been satisfied:

Part 1: Beneficial Use of Coal Reject Material

1. The TR-13 application requests the use of coal reject material to be incorporated with backfill material. How was this material handled, stored, and being disposed of currently? This information was not adequately provided; please give details on how this material is currently being handled and disposed of. [This material is currently separated by a metal separator which rejects the coal with metal contamination. It is then stockpiled on-site; the rejects are not currently disposed of.](#)

5. The Division believes samples collected using the developed ISM plan discussed above and the results of the testing of the samples should be completed and analyzed before incorporating any additional or future coal reject as backfilling material. Please develop a sampling, analysis and reporting plan for future coal reject material that will document and ensure future coal reject material will be non-toxic and acid forming. Clearly define what sampling results would deem the coal reject material as ineligible for backfilling material. The ISM sampling plan provides information about the EPA Methods that will be implemented; however, it does not explicitly give parameters of the results that would deem the coal reject material ineligible for use as backfill material. Please define what sampling results would deem the coal reject material as disqualifying for use as backfill material. [Samples collected during the ISM sampling program will undergo laboratory analysis following the Synthetic Precipitation Leaching Procedure \(SPLP, USEPA Method 1312\) to assess the potential for metals leaching from the coal rejects material. Results from the ISM sampling plan for the coal rejects pile will be compared, for reference purposes only, to various water quality criteria as a first pass at evaluating whether the coal rejects material is suitable for use as backfill material. Although a direct comparison to USEPA maximum](#)

contaminant levels (MCLs) and secondary standards for drinking water cannot be made using SPLP results, comparison of the lab results to conservative water quality criteria, such as MCLs, provides a highly-conservative first pass at evaluating the results. It is important to note that the Pueblo Cement Plant and Quarry (the Facility), including the area of planned backfill using coal rejects material, is not subject to regulation by the USEPA drinking water standards. The Facility is regulated by the Colorado Agricultural groundwater standards, by which the laboratory results will also be evaluated. If there are results of selected constituents that are considered elevated, when compared to conservative water quality criteria, a more in-depth evaluation of material geochemical properties is warranted, such as the total elemental content, acid-base accounting properties, and existing groundwater chemistry.

Part 2: Update to Financial Warranty Cost Estimate

6. Please review and comment on the attached reclamation cost estimate calculated based on the proposed changes made to Tasks #1 and #3. No comments were made regarding the cost estimate provided. Please provide a statement regarding the cost estimate calculated for the operation. [The cost edits made based on GCC's proposed changes appear correct and are agreed to.](#)

Additional items

7. The potential disposal of the coal reject material may require additional permits, licenses, and/or approvals from other agencies and/or local governments, such as a Certification of Designation (CD). A CD is issued in coordination between local governing bodies (county or municipality) with the Colorado Department of Public Health and Environment and the Hazardous Materials, and Waste Management Division. Please provide information about all permits, licenses, and approvals that must be attained prior to the use of this material as backfill. [GCC will be applying to CDPHE for a beneficial use permit. The coal rejects are not considered hazardous.](#)
8. It was stated in the TR-13 application that an estimated ~300 tons of coal reject material is generated annually. Please provide information about the expected frequency of the potential use of the material as backfill. [Annually should be adequate.](#)
9. The ISM sampling plan submitted with the TR-13 application is satisfactory. After approval of this revision, the Operator may implement the ISM plan to sample the existing coal reject pile. Please be advised, the Division cannot approve the use of the coal reject material as backfill at the site until the sampling results have been reviewed by our office and the material has been determined to be inert and non –toxic or acid – forming. This review must be done through the Technical Revision process. Considering the amount of time that TR-13 has already been under review (~10 months), and the additional time that will be needed for the Operator to obtain the sampling data, the Division recommends the scope of TR-13 be limited to approval of the ISM sampling plan for the coal reject material and the updated reclamation cost estimate. Please provide a statement acknowledging that the Division's approval of TR-13 will be limited to these items. [GCC acknowledges this limitation of the scope of TR-13's approval.](#)

If you have any questions or concerns with the provided responses, please let me know via email at meghanway@gcc.com or contact me at (719) 963-9308.

Sincerely,

A handwritten signature in black ink, appearing to read "Meghan Way". The signature is fluid and cursive, with the first name "Meghan" and last name "Way" clearly distinguishable.

Meghan Way
Environmental Engineer
GCC Rio Grande, Inc.