

**STATE OF
COLORADO****Girardi - DNR, Chris** <chris.girardi@state.co.us>

Peat Mine M1994081- Adequacy Review of TR-2

1 message

Girardi - DNR, Chris <chris.girardi@state.co.us>

Fri, Jul 25, 2025 at 2:55 PM

To: Brandon Garrison <brandongarrison39@gmail.com>

Cc: Marcus Mortensen <mortensenmw@gmail.com>, Jared Ebert - DNR <jared.ebert@state.co.us>

Good afternoon,

Attached to this email is a pdf of the Adequacy Review Letter for the Technical Revision #2 (TR-2) for the Peat Mine, permit number M1994081.

A hard copy will not be sent unless requested. Please note the decision date for TR-2 is currently August 6, so please request an extension if additional time is needed to respond.

Thanks,

Chris Girardi

Environmental Protection Specialist

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

P: (720) 793-3041

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

chris.girardi@state.co.us | <https://drms.colorado.gov/>

2 attachments **AdequacyReview_TR2_PeatMine_M1994081.pdf**
359K **Importation of Inert Fill Request (1).pdf**
539K



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

July 25, 2025

Mr. Brandon Garrison
Mortensen's Landscape & Irrigation, LLC
5868 Road 106 South
Alamosa, CO 81101

Re: Peat Mine, Permit No. M-1994-081
Technical Revision #2 (TR-2)
Adequacy Review

Mr. Garrison:

On July 7, 2024, the Division of Reclamation, Mining and Safety ("Division" or "DRMS") received a request for a Technical Revision (TR-2) for the Peat Mine, file no. M-1994-081, seeking to update the mining plan to reflect existing site conditions and clarify the proposed activities as requested by DRMS. During review of the material submitted, the Division determined that the following items need to be addressed before TR-2 can be considered for approval.

Rule 3.1.5(9)- Reclamation Measures- Materials Handling:

1. The Operator cited the Importation of Inert Material document included as part of TR-1 submitted and approved in 2016. The Division notes that the "Affidavit for Import of Materials into Trout Valley Ranch" previously approved is inadequate, as the document was left blank. Enclosed is a DRMS form for the importation of inert fill material. Please fill out this document and submit it to the Division as part of the TR-2 submittal.
2. Please note that any waste concrete cannot have any protruding rebar, as rebar is not an inert material.
3. Please note that any biodegradable materials, such as soil, wood, or plant waste, are not suitable as structural backfill material as they are not defined as an inert material. Rule 1.1(22) states that inert material is defined as 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 (60) days, masonry, asphalt paving fragments, and other inert solids.

Rule 4.2.1- Financial Warranty Liability Amount:

4. The Division notes that the other half of Surety Increase #2 (SI-2) currently has a due date of **September 6, 2025**. Please submit the other half of SI-2, \$6,897.00 by this date or this could be



escalated to the level of possible violation and referred to the Colorado Mined Land Reclamation Board for failure to maintain an adequate financial warranty.

Rule 6.2.1- General Requirements of Exhibits:

5. Pursuant to Rule 6.2.1(2), please update the figure to include the following items: the name of the Operator; evidence the figure was prepared by a registered land surveyor, professional engineer, or other qualified person; the date the figure was prepared; a map scale which is not larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet; an appropriate legend; map title; and a north arrow.

Rule 6.4.3- Exhibit C- Pre-mining and Mining Plan Maps(s) of Affected Lands:

6. Please clarify the locations(s) of any product stockpiles, topsoil stockpiles, and reclamation backfill material stockpiles on the submitted figure.

Rule 6.4.4- Exhibit D- Mining Plan:

7. Please clarify what is meant by the term “rough leveling”.
8. Please clarify the general order of mining going forward, specifically the anticipated mining order for Areas 1 through 9.
9. Please clarify the maximum numbers of designated areas and/or acres that the Operator intends to have disturbed at any point, and if reclamation will take place concurrently.

Rule 6.4.5- Exhibit E- Reclamation Plan:

10. After weed surveys and chemical treatment are conducted by the Operator, these activities should be submitted to the Division in semi-annual reports.

This concludes the Division’s Preliminary Adequacy Review of TR-2. This letter shall not be construed to mean that there are no other adequacy deficiencies in the material. Please be advised TR-2 may be deemed inadequate, and the request may be denied on **August 6, 2025**, unless the adequacy review items are addressed to the satisfaction of the Division. If more time is needed to respond, the Division can grant an extension of the decision date following a request from the Operator to do so.

If you have any questions, please contact me by telephone at (720) 793-3041, or by email at chris.girardi@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Chris Girardi". The signature is written in a cursive, flowing style.

Chris Girardi

Environmental Protection Specialist

cc: Jared Ebert; DRMS
Marcus Mortenson, Mortensen's Landscape & Irrigation, LLC

Enclosure: DRMS Request for Technical Revision (TR) for Importation of Inert Fill Document



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	



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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: _____