

STATE OF  
COLORADO

Girardi - DNR, Chris &lt;chris.girardi@state.co.us&gt;

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## Tierra Piedra Amendment Application- Preliminary Adequacy Review Letter

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**Nathan Barton** <NABarton@wastelineinc.net>

Wed, Aug 13, 2025 at 12:43 PM

To: "Girardi - DNR, Chris" &lt;chris.girardi@state.co.us&gt;

Cc: Mike &lt;mike.petrox@gmail.com&gt;, Ryan Clark &lt;ryan@petrox-resources.com&gt;, Brian Abeln &lt;brian.abeln@crossfireaggregate.com&gt;, Jared Ebert - DNR &lt;jared.ebert@state.co.us&gt;

Dear Chris:

Thank you for this message.

Please clarify a bit more for me.

As you point out (and we were notified), the application was deemed complete on 21 July 2025. I know that the MRR do not establish a timeline for the technical review, although 1.4.6(1) states the Division has 30 days from that date, but the letter clearly states we must respond "two weeks" before the decision date. But (and I am not blaming anyone) but it took 20 days to do the technical review, which meant (on Monday) we only had 10 days left, so we could not comply with the letter. Therefore, the letter *reads* in such a way as to state that the Division is recommending denial. I stated 42 days, as that is the total time since we submitted the application. We responded to the adequacy review within *hours* of being notified by you on 10 July, yet it still took 11 days for the letter of completeness to be issued, and then we received nothing until Monday. We understand that we can request an extension under Rule 1.8 and do not believe that 1.4.1(9) or (13) apply to deny us the authority to make that request. It seems that both you and I are assuming that Rule 1.8.1(4) does *not* apply, although my first reading of some of the 25 items makes me unsure of that. I will try to answer the items in a way that does not trigger Rule 1.8. (Some of your items do imply that Rule 1.8 might be triggered.)

I understand that the *intent* of the Division is not to recommend denial, but that is how the letter was written.

Therefore, I am unsure exactly how and by what rule we request this clearly-necessary extension, but we understand that it will be considered even though it is less than two weeks from the current decision date. But since you have explained that we do have the right to request one, I am requesting a twelve-day extension to the decision date from 20 August to Monday, 1 September 2025, and will attempt to respond to the 25 items completely by next Thursday, the 21<sup>st</sup>, thereby allowing the Division 10 days to review. I appreciate your reminder that we can, if needed, obtain a further extension.

Again, please let me know if I need to submit this in a formal letter either by email or into the ePermitting portal.

Thank you very much for sending the inspection report separately. The responses to your 25 items will also attempt to reflect the needed responses to that report, especially as concerns weeds. I do have a further question: in the past, a weed management plan submission or revision was not considered to be at the level of a technical revision. Is that still the Division's policy?

Thank you very much, Chris. The owners and we at WASTELINE do appreciate the work you are doing with us.

Nathan

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**From:** Girardi - DNR, Chris <[chris.girardi@state.co.us](mailto:chris.girardi@state.co.us)>

**Sent:** Wednesday, August 13, 2025 9:40 AM

**To:** Nathan Barton <[NABarton@WastelineInc.net](mailto:NABarton@WastelineInc.net)>

**Cc:** Mike <[mike.petrox@gmail.com](mailto:mike.petrox@gmail.com)>; Ryan Clark <[ryan@petrox-resources.com](mailto:ryan@petrox-resources.com)>; Brian Abeln <[brian.abeln@crossfireaggregate.com](mailto:brian.abeln@crossfireaggregate.com)>; Jared Ebert - DNR <[jared.ebert@state.co.us](mailto:jared.ebert@state.co.us)>

**Subject:** Re: Tierra Piedra Amendment Application- Preliminary Adequacy Review Letter

Good morning,

As per our phone conversation yesterday morning, I apologize for any insult perceived by the Operator. The majority of the adequacy items are just requesting minor clarifications from the Operator regarding specifics from the mining and reclamation plans. The Division is not recommending denial of the application. The amendment application decision date be extended to allow for sufficient time for the Operator to address all adequacy items identified. It is very common for Operators to request an extension of the application decision date, often several times.

In addition, the Division has not had 42 days to review the amendment application, as the application was initially deemed incomplete. The technical review of the application began on the completeness date of 7/21/2025. The inspection report had been sent this morning, further clarifying observations from the inspection conducted on June 17, 2025.

Please feel free to contact me if you have any questions.

Sincerely,

Chris Girardi

Environmental Protection Specialist



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

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