

**From:** [JESS MINIUM](#)  
**To:** [Kaldenbach, Tom](#)  
**Subject:** Re: California Gulch OU7 - Apache Tailings Impoundment  
**Date:** Monday, June 11, 2012 2:59:19 PM  
**Attachments:** [image001.png](#)

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Tom Kaldenbach: Your agency (CMLRA) has the sole and exclusive authority, by Statute C.R.S. 34-32-109, Section 6, to issue permits and set bonds for the reclamation of all mining and tailings reclamation. Jess E. Minium, Jr.

**From:** [Kaldenbach, Tom](#)  
**Sent:** Monday, June 11, 2012 10:37 AM  
**To:** [JESS MINIUM](#)  
**Subject:** RE: California Gulch OU7 - Apache Tailings Impoundment

Jess,

I am sorry, but I am unfamiliar with CDPHE's permitting requirements for your planned operation.

Tom Kaldenbach  
Senior Environmental Protection Specialist  
[Colorado Division of Reclamation, Mining and Safety](#)  
1313 Sherman St., Room 215  
Denver, CO 80203  
Phone (303) 866-3567, ext. 8128

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**From:** JESS MINIUM [mailto:mshm-r@scattercreek.com]  
**Sent:** Thursday, June 07, 2012 4:51 PM  
**To:** Kaldenbach, Tom  
**Cc:** Mt. St. Helens  
**Subject:** Re: California Gulch OU7 - Apache Tailings Impoundment

Tom Kaldenbach: I have determined that the tailings are located on less than 9.8 acres and we would sometime in the future apply for a simple permit. I would also like some input by you on the e-mail from Craig Gander, Dept of Health, as to whether or not a Hazardous Waste Program and/or permit from the dept of health is also necessary????? ?? we would like to avoid the dept of health if possible. thank you for your considerations. Jess E. Minium, Jr.

**From:** [Michael Layne](#)  
**Sent:** Thursday, June 07, 2012 3:18 PM  
**To:** [Mt. Helens](#)  
**Subject:** Fw: California Gulch OU7 - Apache Tailings Impoundment

----- Forwarded Message -----

**From:** "Gander, Craig R." <[Craig.Gander@dphe.state.co.us](mailto:Craig.Gander@dphe.state.co.us)>  
**To:** Michael Layne <[mtaalt@rocketmail.com](mailto:mtaalt@rocketmail.com)>

**Cc:** Scott Schultz <[Scott.Schultz@state.co.us](mailto:Scott.Schultz@state.co.us)>; "kiefer.linda@epa.gov" <[kiefer.linda@epa.gov](mailto:kiefer.linda@epa.gov)>; "Jamison, Doug" <[Doug.Jamison@dphe.state.co.us](mailto:Doug.Jamison@dphe.state.co.us)>  
**Sent:** Thursday, June 7, 2012 3:04 PM  
**Subject:** FW: California Gulch OU7 - Apache Tailings Impoundment

Mr. Layne,

Thank you for your response. Would you please clarify for me what you mean by "contact the proper agencies to get bonded?" Specifically, do you mean that you will complete and submit the "Is it Mining" form to the Colorado Department of Natural Resources, Division of Reclamation, Mining and Safety, and will apply to the CDPHE Solid and Hazardous Waste Program for approval to beneficially reuse the waste tailings, and will supply me with the other items on the list I sent you yesterday?

Thanks,

Craig Gander

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**From:** Michael Layne [<mailto:mtaaltld@rocketmail.com>]  
**Sent:** Thursday, June 07, 2012 2:42 PM  
**To:** Gander, Craig R.  
**Subject:** Re: California Gulch OU7 - Apache Tailings Impoundment

Mr. Gander, We intend to go on and will contact the proper agencies to get Bonded. Re Michael Layne

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**From:** "Gander, Craig R." <[Craig.Gander@dphe.state.co.us](mailto:Craig.Gander@dphe.state.co.us)>  
**To:** Michael Layne <[mtaaltld@rocketmail.com](mailto:mtaaltld@rocketmail.com)>  
**Cc:** Linda Kiefer <[Kiefer.Linda@epamail.epa.gov](mailto:Kiefer.Linda@epamail.epa.gov)>; Scott Schultz <[Scott.Schultz@state.co.us](mailto:Scott.Schultz@state.co.us)>; "Jamison, Doug" <[Doug.Jamison@dphe.state.co.us](mailto:Doug.Jamison@dphe.state.co.us)>; "steve.shuey@state.co.us" <[steve.shuey@state.co.us](mailto:steve.shuey@state.co.us)>; "Doak, Roger" <[Roger.Doak@dphe.state.co.us](mailto:Roger.Doak@dphe.state.co.us)>; "adminservices@leadville-co.gov" <[adminservices@leadville-co.gov](mailto:adminservices@leadville-co.gov)>; Carl Schaefer <[cschaefer@co.lake.co.us](mailto:cschaefer@co.lake.co.us)>; "dustin.czapla@state.co.us" <[dustin.czapla@state.co.us](mailto:dustin.czapla@state.co.us)>  
**Sent:** Wednesday, June 6, 2012 10:56 AM  
**Subject:** RE: California Gulch OU7 - Apache Tailings Impoundment

Mr. Layne,

Thank you for sending your removal plan for excavating waste tailings from the Apache Tailings Impoundment, Operable Unit 7, California Gulch Superfund Site in Leadville.

Please see the attached letter, which describes other information that we will require in order to review your application, and to determine an appropriate bonding amount.

Yours truly,

Craig Gander

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**From:** Michael Layne [<mailto:mtaaltld@rocketmail.com>]

**Sent:** Tuesday, June 05, 2012 4:46 PM  
**To:** Gander, Craig R.  
**Subject:** Re: Apache Tailings Impoundment

Craig, This is our removal plan. If you will note We are not changing or touching any drainage that is on the property.!! We would remove the tailings by case loader and truck.To the rail spur, with permits from Dept of transportation as well. thank you  
Michael Layne

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**From:** Michael Layne <[mtaaltld@rocketmail.com](mailto:mtaaltld@rocketmail.com)>  
**To:** "Gander, Craig R." <[Craig.Gander@dphe.state.co.us](mailto:Craig.Gander@dphe.state.co.us)>  
**Sent:** Tuesday, June 5, 2012 4:09 PM  
**Subject:** Re: Apache Tailings Impoundment

We are no longer interested in building a plant on our own property. . We are only interested in takings our tailings off. The last 8 months the EPA and you have cost us over 40,000 dollars and have eaten away our Season. Before we spend anymore money we simply want to know the Bond amount. ?? I will send you the removal plan, that is as far as we are going. Once we get the bond figure we will then decide what we will do. We do know that you will want a plan of transport where its going etc. The first thing is the Bond, which your buddy the EPA should have given us last November.Regards Michael Layne Portfolio Manager Business Manager MTAALTD

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**From:** "Gander, Craig R." <[Craig.Gander@dphe.state.co.us](mailto:Craig.Gander@dphe.state.co.us)>  
**To:** "[mtaaltld@rocketmail.com](mailto:mtaaltld@rocketmail.com)" <[mtaaltld@rocketmail.com](mailto:mtaaltld@rocketmail.com)>  
**Cc:** "Jamison, Doug" <[Doug.Jamison@dphe.state.co.us](mailto:Doug.Jamison@dphe.state.co.us)>; "[kiefer.linda@epa.gov](mailto:kiefer.linda@epa.gov)" <[kiefer.linda@epa.gov](mailto:kiefer.linda@epa.gov)>  
**Sent:** Wednesday, May 30, 2012 3:18 PM  
**Subject:** Apache Tailings Impoundment

Dear Mr. Layne,

I have attached a copy of our response to your application to excavate waste tailings from the Apache Tailings Impoundment in Leadville, Lake County.  
Please don't hesitate to contact me with any questions or comments.

Yours truly,

Craig R. Gander  
Environmental Protection Specialist  
Superfund & Voluntary Cleanup Unit  
Colorado Dept. Public Health & Environment

HMWMD-RP-B2  
4300 Cherry Creek Dr. S.  
Denver CO 80246-1530  
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