



Memorandum

Date: April 12, 2023

To: Mined Land Reclamation Board

From: Amy Yeldell, DRMS

RE: Mid-Continent LST; DRMS File No. M-1982-121; Consideration of a signed Stipulated Agreement between DRMS and the Operator for failure to protect affected lands from slides or damage during mining and reclamation.

Dear Members of the Board,

This item is for the consideration of a Signed Stipulated Agreement between DRMS and RMR Aggregates, Inc. (Operator) for failure to protect affected lands from slides or damage during mining and reclamation. On January 19, 2023, the Division was notified by the Operator of a slope failure that occurred at the mine. The slope failure was located on the Production Bench of the mine and occurred the day before (January 18, 2023) at approximately 3:05 PM. No injuries to personnel were reported but equipment was damaged as a result. This notification complied with Rule 8.1 regarding emergency notification for a slope failure.

BLM and MSHA conducted an inspection on Friday January 20, 2023. The Division received a complaint from the Glenwood Springs Citizens Alliance on January 20, 2023 regarding the matter. The Division conducted it's inspection on January 23, 2023.

As a result MSHA placed the production bench under a Section 103K order (C&D) on January 20, 2023. The BLM issued an amended non-compliance order, dated March 6, 2023. The Division issued A Reason to Believe a Violation Exists (RTB) letter on January 25, 2023. Since the mailing date of the RTB, Division Staff and the Operator have come to terms and signed the enclosed Stipulated Agreement. This agreement ensures compliance with the Colorado Mined Land Reclamation Act and Rules and coordination with other agencies. This agreement will become binding upon your acceptance. Thank you for your consideration.

Sincerely,

Amy Yeldell
Environmental Protection Specialist
Division of Reclamation, Mining and Safety



BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

IN THE MATTER OF MID-CONTINENT LST MINE,
PERMIT No. M-1982-121.

**STIPULATED SETTLEMENT AGREEMENT BETWEEN THE DIVISION OF
RECLAMATION, MINING, AND SAFETY AND RMR AGGREGATES, INC.**

THIS STIPULATED AGREEMENT (“Agreement”) is made and entered into by and between the Colorado Division of Reclamation, Mining and Safety (“Division”) and RMR Aggregates, Inc. (“Operator”) (jointly as “Parties”) regarding failure to protect permit area from slides or erosion issues and subsequent submittal of a technical revision to the Permit. Undersigned submit this agreement for consideration by the Colorado Mined Land Reclamation Board (“Board”). In support of their Stipulated Agreement, the Division and Operator state the following:

Background Facts and Findings

1. RMR Aggregates, Inc. is the operator of the Mid-Continent LST Mine (“Mine”) and holder of Reclamation Permit No. M-1982-121 (“Permit”). The construction materials Mine is a permitted 112c surface operation located approximately 1.5 miles north of Glenwood Springs, Colorado and at approximately 6,700 feet in elevation.
2. On January 19, 2023, the Division received a notification from the Operator that a slope failure occurred at the permitted Mine. The operator informed the Division that the slope failure occurred on January 18, 2023, at approximately 3:05 p.m. The Operator complied with Construction Materials Rule 8.1 regarding the emergency notification for the slope failure.
3. On January 23, 2023, the Division conducted an inspection of the site. The purpose of the inspection was to assess the site conditions in response to the emergency notification regarding a slope failure that occurred within the Permit boundary. During the inspection the Division was informed by the operator that the Bureau of Land Management (BLM) and Mine Safety and Health Administration (MSHA) conducted independent inspections on January 20, 2023. MSHA placed a 103K Order on the site following their inspection. The 103K Order is similar in nature to the Division’s Cease and Desist Order. Pursuant to the 103K Order the operator was required to cease mining activities on the Production Bench but was allowed to continue processing material staged on the mill bench.
4. On January 25, 2023, the Division sent via certified mail to the Operator a Reason to Believe a Violation Exists letter (“RTB”) along with a final copy of the Division’s January 23, 2023, inspection report. As outlined in the RTB, the Division commenced an enforcement action pursuant to its authority under Rule 3.1.5(3), C.R.S. 34-32.5-116(4)(i),

and C.R.S. 34-32.5-124 of the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials to address the site stability issues and potential off-site impacts.

5. The RTB was originally set for consideration by the Board on March 22, 2023. However, this matter was subsequently continued to the April 19-20, 2023 hearing.

6. In seeking to remedy the slope failure issue, the Operator has secured geotechnical consulting firms to assess and devise a plan to stabilize the site. The Operator agrees that a Technical Revision is necessary to address site stability issues and to propose a suitable plan moving forward to minimize future stability issues and potential off-site impacts.

7. In order to resolve the outstanding corrective actions in this specific RTB, including but not limited to the Operator addressing the potential for off-site impact issues and site stability issues, the Parties hereby enter this Stipulated Agreement.

8. The Parties agree that a Technical Revision, as outlined and authorized by the Act and Regulations, which both clarifies the terms of how the Operator will ensure site stability via enforceable provisions of the Permit, are necessary. The Parties hereby agree and stipulate to the following terms:

Agreement

9. The Operator is aware of C.R.S. 34-32.5-116(4)(a) for failure to minimize protection of areas outside of the affected lands from slides or damage occurring during the mining operation and reclamation.

10. The Parties agree that the issuance of a Cease-and-Desist Order for the impacted area known as the Production Bench is necessary until a Technical Revision is approved by the Division. Geo-technical evaluation work shall be exempt from the C&D Order. Any other activities on the Production Bench outside the slide exclusion zone by the Operator shall require written approval from the Division prior to initiation. Specifically, upon request from RMR Aggregates, Inc., the Division will provide written confirmation of the acceptance of any approval from MSHA to modify the 103K order or BLM requirements necessary to address the slope stability issues.

11. The Parties agree that a Technical Revision Application to the Permit shall be required. The Operator's Technical Revision submittal will establish a long-term geologic monitoring and stability plan. At a minimum, the Operator's Technical Revision Application shall contain the following components:

- a. A professionally prepared Geotechnical Stability plan from an accredited engineering firm; and
- b. Clarify what methods and monitoring will be implemented by the Operator to ensure site safety, potential future movement and overall stability.

12. The Parties agree the Operator shall submit to the Division a complete and reviewable Technical Revision Application to the Permit and its associated revision fee within 60 days of the date of completion of the engineering technical analysis and final report.

13. It is agreed that the Operator shall coordinate with other jurisdictional agencies (such as BLM and MSHA) to ensure that the Monitoring and Stability analysis meets all of their requirements.

14. It is further agreed, that any contemplated disturbances outside the DRMS Permit will require an Amendment Application to the Permit. Such an Amendment Application to the Permit, if required, will be required to gain all other jurisdictional approvals prior to submission to ensure the Operator's legal right of entry is clearly defined.

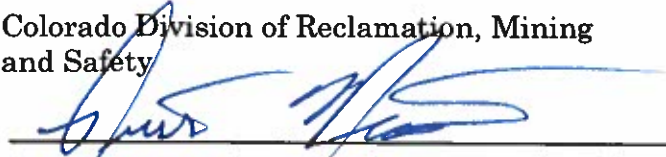
15. The Operator agrees that failure to comply with all requirements and timeframes specified in this stipulated agreement constitutes failure to comply with an Order and may result in the scheduling of an enforcement hearing before the Board.

16. This Stipulated Agreement does not supplant, alter, impair or negate the applicable requirements in the Colorado Mined Land Reclamation Act or the Rules and Regulations of the Colorado Mined Land Reclamation Board.

WHEREFORE, the Parties respectfully request that the Board approve this joint stipulation at its April 19th, 2023, meeting.

Respectfully Submitted this 11th day of April, 2023.

Colorado Division of Reclamation, Mining
and Safety

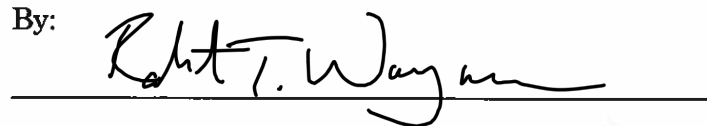


Russ Means / Minerals Program Director

Agreed to and Accepted this ____ day of April, 2023

RMR Aggregates, Inc.

By:



Signature of Authorized Company Representative

Robert T. Wagner
VP, Engineering

Print Signatory Name and Title