

Statement Explaining Why the Applicant Seeks a Variance

The prescriptive mandates of the Rule that are the subject of this variance request are the following subsections of 19.15.17.16 [emphasis added]:

B. Whether or not the division deems an application to be administratively complete within the 30 day evaluation period, the division shall also have an additional 30 days to approve, deny or approve with conditions an application. If the division does not take action within the 60 days review period, then the application is deemed denied and the operator may file an application for hearing with the division clerk.

It is our understanding that the intent of this mandate of the Pit Rule is to limit the time of review of a permit application. In general, limiting the review time is good for all.

However, in response to communications with OCD regarding the environmental setting of this location, Lime Rock requests an extra 40 days from the 60-day limit (July 8) to provide more detailed site-specific data regarding the stability of the ground (i.e. potential of collapse due to karst features). One option we are exploring is gaining access to the State land in advance of our mining lease (in process) to conduct a 2-4 boring geotechnical investigation. This investigation will provide site-specific data regarding the minimum thickness of the competent overburden (Permian rocks, alluvium and caliche) and the engineering properties of this material. At least one boring will be advanced to 50 feet or to the top of a Rustler Formation anhydrite/gypsum unit (karst potential).

Demonstration That the Variance Will Provide Equal or Better Protection of Fresh Water, Public Health and the Environment

The MWFM Pit permit currently under review by OCD calls for a geotechnical investigation during the caliche mining program. In theory, this investigation would occur after OCD approval of the permit and Lime Rock would submit the findings of the investigation and pit foundation design criteria in advance of lining the pit (and after OCD review).

We believe that conducting geotechnical borings and gaining the site-specific information in advance of final permit approval will provide equal or better protection of fresh water, public health and the environment.