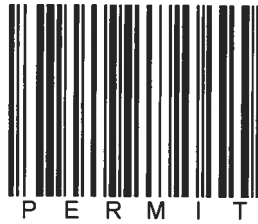


Enforcement





COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

November 7, 2014

Asphalt Specialties Co., Inc.
Mr. Rob Laird
10100 Dallas Street
Henderson, CO 80640

Re: Turnpike Mining Resource; Permit No. M-2004-009; Reason to Believe a Violation Exists and Notice of Board Hearing

Mr. Laird:

On September 23, 2014, and November 6, 2014, as a result of citizen complaints, the Division of Reclamation, Mining and Safety (Division) conducted inspections of Turnpike Mining Resource (Permit M-2004-009). During the inspections, the following issues were observed: failure to stabilize overburden stockpiles as approved in AM02 in 2013, and conducting unapproved activity within permit area (concrete and asphalt recycling and stockpiling). Based on the findings of the inspection DRMS believes these are violations pursuant to:

- C.R.S. 34-32.5-117(2) for failure to comply with the terms of the permittee's Performance Warranty.
- C.R.S. 34-32.5-116(4)(j) for failure to stabilize and protect all surface areas of the affected land, including spoil piles.
- C.R.S. 34-32.5-124(1) for failure to comply with the conditions of an order, permit or regulation.

Therefore, the Division has reason to believe that a violation exists to the Mined Land Reclamation Act, C.R.S. 34-32.5-101 et seq., and have scheduled this matter to appear before the Mined Land Reclamation Board.

A Formal Public Hearing will be held during the December 18, 2014 Board Meeting for consideration of these possible violations. The hearing will be held in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. on December 18 or as soon thereafter as the matter can be considered. At that hearing you will have the opportunity to present your defense.

This is an important legal proceeding and you must appear in person for this hearing. If you fail to appear an order and money judgment may be entered against you. In addition, failure to appear at the hearing may result in legal consequences including, but not limited to, loss of party status and your ability to seek reconsideration from the Board or seek judicial appeal in district court.

If the Board finds a violation at this hearing, it may issue a Cease and Desist Order and/or assess a Civil Penalty in the amount of \$100 to \$1,000.00 for each day of violation. If you have evidence indicating that the possible violations noted above do not exist or have been corrected, please provide it to the Division as soon as possible or bring it to the hearing.



All parties have an opportunity to review and comment on a draft of the Board's Order before it becomes final. If you wish to do so, you must provide the Board with a written request to review the draft Order prior to or at the time of your hearing, or you must inform the Board orally during the hearing that you request to review the draft Order. The Board's attorney must receive your comments on the draft Order within three calendar days of the date the draft Order is e-mailed, unless that deadline is extended by the Board's attorney. Please submit all comments in writing, by e-mail or fax, to Mr. John Roberts, jj.roberts@state.co.us, fax: 720-508-6037. Please note that the Division has requested and will be allowed to review and comment on the draft Board Order.

The Board's agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Board Secretary, Johnie Abad, phone (303) 866-3567 extension 8136 on December 15, 2014, to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Eric Scott at (303) 866-3567, extension 8140.

Sincerely,

A handwritten signature in blue ink, appearing to read "Virginia Brannon".

Virginia Brannon
Division Director

CERTIFIED MAIL # 7014 0150 0000 9138 2791
Return Receipt Requested

cc: Tony Waldron, DRMS
Tom Kaldenbach, DRMS
Jeff Fugate, AGO
Eric Scott, DRMS