



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

January 21, 2015

Tom Smith
Rocky Mountain Materials & Asphalt, Inc.
1910 Rand Ave
Colorado Springs, CO 80906

RE: South Asphalt Plant; DRMS File No. M-2009-004;
Second Adequacy Review - Technical Revision No. 1 (TR-01)

Dear Mr. Smith,

The Division of Reclamation, Mining and Safety (Division) received your emailed Response to Preliminary Adequacy Review for TR-01 on January 12, 2015. The decision date for this Technical Revision was extended to February 1, 2015 per your January 8, 2015 request. The Division has reviewed your responses and has the following comments:

1. Please characterize the expected or typical material to be imported. Your response is adequate.
2. Please indicate if the final contours... Your response is adequate.
3. The Division is concerned with the potential for sinkholes ... Your response is partially adequate. The practice of end dumping backfill material will not adequately consolidate the material at the bottom of the pit in the short term. Given the variety of potential backfill material, the process of natural consolidation is expected to take many years, perhaps 10, 20 or even more. Based on the approved 2009 reclamation permit application, Rocky Mountain Materials does not own, but leases the property from Highway 857 Properties, LLC, apparently on a year-to-year basis.
 - a. Please provide documentation from the land owner acknowledging the method of backfilling and compacting the fill in the pit.
 - b. Also, the lease included in the 2009 permit application expired on December 31, 2009. Please provide an updated source of legal right of entry to conduct mining and reclamation activities.
4. The Division must bond for all non-product stockpiles ... Your response is adequate.

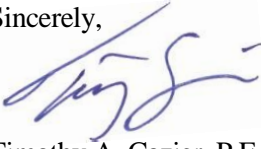


Mr. Smith
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This concludes the Division's second adequacy review of this Technical Revision. Please remember that the decision date for this Technical Revision is February 1, 2015. As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to this date, **it will be your responsibility to request an extension of time to allow for continued review of this Technical Revision.** If there are still unresolved issues when the decision date arrives and no extension has been requested, the Technical Revision will be denied.

If you have any questions, please contact me at (303)866-3567 x8169.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', is written over a light blue rectangular background.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

cc: Tom Kaldenbach, DRMS
DRMS file