



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

January 30, 2015

Leonard Read
Eastern Colorado Aggregates, LLLP
P.O. Box 580
Rye, CO 81069

**Re: Midwestern Farms, Permit No. M-1993-059, Technical Revision No. 3 (TR-03)
 30-Day Extension of Decision Due Date Approved**

Dear Mr. Read:

On January 29, 2015, the Division of Reclamation, Mining and Safety (Division) received your request to extend the decision due date for Technical Revision No. 3 (TR-03) by six months.

Please keep in mind that this revision is required as a Corrective Action for a Problem cited after the April 04, 2014 inspection of this site. This site is currently out of compliance with the Division. The following items are required to be submitted with the revision in order to get the site back into compliance:

- 1) Increase maximum allowed disturbed acreage from 141.8 acres to a minimum of 387 acres to account for current disturbance (including ponds)
- 2) Add the post-mining land use of recreation to account for public fishing of ponds
- 3) Update site map to show current disturbance and layout of site

The Division understands that the Operator is working with the landowners and Colorado Parks and Wildlife (CPW) to develop final plans for this site. Because of this situation, the Division is not requiring that an updated Mining Plan Map and Reclamation Plan Map be submitted at this time. However, the Division does require an updated site map showing the current layout of the site, including locations of topsoil and overburden stockpiles, ponds, and areas of mining, processing, and material stockpiling. This can be submitted in the form of a labeled Google Earth image of the disturbed area.

Whether the Operator intends to continue mining or begin final reclamation at this site is not relevant to the approval of this revision. As discussed in our meeting at the site on January 21, 2015, any significant changes to the approved Reclamation Plan or Mining Plan will require the submittal of a permit Amendment.



The Division sent the Operator an adequacy review on August 06, 2014 for the revision submitted. Therefore, the Operator has had almost six months to submit the items required for the revision to be approved. The Division believes that a six-month extension is an unreasonable length of time for submitting the required items. The Division is willing to extend the decision due date for Technical Revision No. 3 (TR-03) for an additional 30 days, giving a new decision due date of **March 02, 2015**.

If the required items listed above are not submitted to the Division by the decision due date, the revision will be denied. Because this revision is a Corrective Action requirement, failure to complete this requirement by the due date above may lead to enforcement actions.

If you have any questions, please contact me at 1313 Sherman Street, Room 215, Denver, CO 80203, call me at (303) 866-3567, extension 8129, or email me at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

Cc: Joe C. Baxter
Midwestern Farms Resource dba Eastern Colorado Aggregates
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