



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

July 6, 2016

Notice to Parties and Interested Persons to the Hazeltine Pit Permit Amendment Application

Re: Notice of Rescheduled Formal Board Hearing, Rescheduled Pre-hearing Conference and, Office Recommendation for a Permit Amended Application to a 112c with Objections, Hazeltine Mine, DRMS Permit No. M-2004-031, Permit Amendment Application No. 1

Dear Party and/or Interested Person:

The Division of Reclamation, Mining and Safety (Division) appreciates you taking time to participate in the review process of the above referenced Permit Amendment Application. The Permit Amendment No. 1 Application (AM-01) for the Hazeltine Mine was filed with the Division on December 30, 2015, by Aggregate Industries - WCR, Inc. (Applicant). The Applicant filed this amendment to the approved permit, the amendment incorporates a Permanent Groundwater Mounding Mitigation Plan (Permanent Plan). In a June 28, 2016, letter, the Applicant requested an extension to the review period of Permit Amendment Application No. 1. The extension request has resulted in an extension of the review period to August 29, 2016. Therefore, the Division has set a new recommendation date, new dates for the Pre-hearing Conference and Formal Board Hearing, which are clarified below.

The Division has received timely written objections to the Permit Amendment Application No. 1 to the Hazeltine Mine. Therefore, pursuant to Rule 1.4.9(2)(a) and 1.7.4(2), the Division had scheduled the application for a Formal Board Hearing for consideration. The hearing was scheduled for the July 27-28, 2016, Board meeting. For those parties who have received previous notice of the Formal Board Hearing please note the July 27-28, 2016, hearing has been vacated and the issue has been rescheduled. The hearing is now scheduled for the September 28-29, 2016, Board meeting, which will occur at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. or as soon thereafter as the matter can be considered. During the hearing the Board will consider the application with objections and may decide to approve, approve with conditions, or deny the Amendment application to the Hazeltine Mine.

The July 12, 2016, Pre-hearing Conference has been vacated. Pursuant to Rule 2.7.1, the Division has rescheduled the Pre-hearing Conference to occur on September 8, 2016. The Pre-hearing conference will be held at the Centennial Building, 1313 Sherman Street, Room 220, Denver, Colorado, 80203. The Pre-hearing Conference will began at 9:30 am and conclude at or before 11:30 am. Mr. Jeff Graves will preside as the Pre-hearing Conference Officer.

The Pre-hearing Conference will be held to describe the Division's review process, to explain the rights and responsibilities of parties, to discuss and resolve issues to the extent possible, to describe the Board Hearing processes, to propose a list of issues under the Board's jurisdiction, to simplify that list, and to



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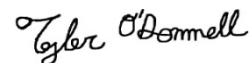
identify parties. **All parties must supply nineteen (19) copies of lists of any exhibits and witnesses the parties intend to present at the Formal Board Hearing. List and exhibits must be exchanged between the parties at the Pre-hearing Conference in accordance with the requirements of Rule 2.6(2). Failure to participate in the Pre-hearing Conference will result in the loss of your party status.**

After the conference the Pre-hearing Officer shall prepare a proposed Pre-hearing Order. The proposed Pre-hearing Order will be made available to all parties prior to the Formal Board Hearing. The proposed Pre-hearing Order will contain a list of the parties, provide a recommended list of issues to be considered by the Board, and outline a schedule for the hearing with time allotments set for presentations by each party and the Office. The conditions of the Pre-hearing Order are not final until adopted or approved by the Board at the Formal Board Hearing. Any party has the right to file a motion to the Board to review any decision(s) of the Pre-hearing Officer according to the provisions of Rule 2.6(1).

The Division's deadline for issuing a recommendation on Permit Amendment Application No. 1 is now scheduled for September 1, 2016. On or before September 1, 2016, the Division will issue its recommendation to the Board for approval, approval with conditions, or denial of the application. Copies of the Division's recommendation will be forwarded to all parties and interested persons by no later than September 1, 2016.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8131, or by email at Tyler.ODonnell@state.co.us.

Sincerely,



Tyler O'Donnell
Environmental Protection Specialist

Attachment: Certificate of Service

ec: Tony Waldron, DRMS
Wally Erickson, DRMS
Jeff Graves, Pre-hearing Officer, DRMS
John Roberts, Esq., AGO for the MLRB
Scott Schultz, Esq., AGO for DRMS

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Certificate of Service

I, Tyler O'Donnell, hereby certify that on that on July 6, 2016, I deposited a true copy of the foregoing Notice to Parties and Interested Persons to the Hazeltine Pit Permit Amendment Application, dated July 6, 2016, Re: Notice of Rescheduled Formal Board Hearing, Rescheduled Pre-hearing Conference and, Office Recommendation for a Permit Amended Application to a 112c with Objections, Hazeltine Mine, DRMS Permit No. M-2004-031, Permit Amendment Application No. 1, in the US Mail, addressed to the following:

Connie Davis
Aggregate Industries - WCR, Inc.
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Golden, CO 80401

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Ed Lanyon
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7/6/2016
Signature and date