



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

January 30, 2017

Mr. Leonard Read
c/o Mr. Joe C. Baxter
Midway Aggregates, RLLP
P.O. Box 580
Rye, CO 81069

**Re: Midway Pit, Permit M-1988-018;
Corrective Actions Past Due**

Dear Mr. Read,

On July 1, 2016 the Division received your request for a 60 day extension to the Division's three corrective actions resulting from our Midway Pit inspection report sent mailed on November 13, 2015. The Division granted the extension but has not received any documentation to date demonstrating compliance with the three corrective actions cited in the aforementioned inspection report.

If the corrective actions are not properly addressed, and evidence provided to the Division, within 30 days of this letter the problems from the inspection could be escalated to the level of possible violations and may then be referred to the Mined Land Reclamation Board for further action.

The corrective actions and due dates are summarized below:

INSPECTION TOPIC: Availability Of Records

PROBLEM No. 1/POSSIBLE VIOLATION: Problem: The current mine and reclamation plans, as well as the affected area mine and reclamation plan maps do not reflect the observed disturbances (i.e., affected area limits) and necessary reclamation (e.g., pond reclamation and seed mix).

CORRECTIVE ACTIONS: Within 60 days of this report the Operator must submit a Technical Revision (TR) to update the mining and reclamation plans, and the Mine Plan Map and Reclamation Plan Map.

CORRECTIVE ACTION DUE DATE: ~~5/9/16 7/8/2016~~ **9/6/2016**

INSPECTION TOPIC: Availability Of Records

PROBLEM No. 2/POSSIBLE VIOLATION: Problem: No utility structures agreement for the transmission powerline on the north side of the existing pit.

CORRECTIVE ACTIONS: Within 30 days of this report the Operator must submit a notarized letter or agreement in accordance with Rule 6.4.19 addressing the potential for damage to the powerline.



CORRECTIVE ACTION DUE DATE: ~~5/9/16~~ ~~7/8/2016~~ **9/6/2016**

INSPECTION TOPIC: Financial Warranty

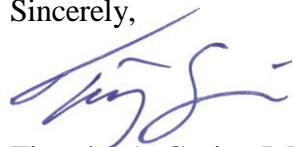
PROBLEM No. 3/POSSIBLE VIOLATION: Problem: The financial warranty is not adequate to reclaim the site in accordance with the approved reclamation plan. This is a failure to maintain the proper financial warranty amount to complete reclamation of the affected lands pursuant to C.R.S. 34-32.5-117(4)(b) of the Act.

CORRECTIVE ACTIONS: The operator shall submit adequate financial warranty, as determined by the Division. The operator will have 60 days from the date on this report to post the additional financial warranty.

CORRECTIVE ACTION DUE DATE: ~~5/9/16~~ ~~7/8/2016~~ **9/6/2016**

If you have any questions, please contact me at (303) 866-3567, ext 8169.

Sincerely,



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

CERTIFIED Mail No. 7014 2120 0001 7885 6835
Return Receipt Requested

ec: DRMS file