



Transit Mix Concrete Co.



Continental Materials Corporation
440 S. LaSalle St. Suite 3100
Chicago IL 60605

May 9, 2017

Colorado Division of Reclamation, Mining and Safety
Attn: Mr. Timothy Cazier
1313 Sherman St, Rm. 215
Denver, CO 80203

RE: Daniels Sand Pit #2, Permit No. M-1973-007SG; Corrective Action Response #2 from December 12, 2016 Inspection Report.

Dear Mr. Cazier:

Transit Mix Concrete Co., on behalf of Continental Materials Corporation, is responding to your corrective action item list that was amended in your corrective action due date extension request approval from February 9, 2017. Transit Mix Concrete Co. (TMCC) appreciates the granted extension and provides an update and requests completion of the corrective action listed below.

Corrective Action #3:

INSPECTION TOPIC: Revegetation

PROBLEM/POSSIBLE VIOLATION #2: Problem: Observed sparse vegetation and erosion rilling on the southwest embankment outer face of the current wash pond reducing the erosional stability of the embankment.

CORRECTIVE ACTIONS: Prior to the Corrective Action due date, the Operator must work to establish a vegetative cover to reduce erosion potential.

EXTENDED CORRECTIVE ACTION DUE DATE: 5/11/2017

RESPONSE:

On May 5, 2017 personnel at Daniels Sand Pit #2 completed reseeding of the newly filled and sloped southwest embankment of the current wash fines pond. This was completed using hand broadcast seed spreaders. The seed mix used was a combination of Sand Bluestem, Thickspike Wheatgrass, Pubscent Wheatgrass, Western Wheatgrass, Prairie Sandreed, Big Bluestem, Sideoats Grama, Little Bluestem, Blue Grama, and Sand Lovegrass. This seed mix has been approved by the Division in Daniels Sand Pit #2 Permit Amendments. (From the 2005 Permit Amendment and as modified by the 2008 Permit Amendment for pit slopes.) Seed was broadcast on the slope to collect in soil pockets left by the grousers on a track dozer. Once the seed was dispersed a drag pulled by an ATV was passed over the slope completely covering and protecting the seed.

Pictures of the revegetation process are included below.



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Picture 1: Use of a hand broadcast seed spreader.



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Picture 2: Soil pockets left by a track dozer



Picture 3: Seed and soil pockets covered by drag pulled by ATV



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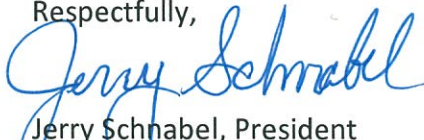
Picture 4: Completed Slope from across Bradley Road

Appendix A to this document shows the Pit Slope seed mix detailed from the seed supplier (Triton Environmental, LLC) which was used to revegetate the southwest embankment of the existing wash fines pond at Daniels Sand Pit #2. Appendix B shows the invoice and packing slip from the seed supplier.

With the previous completion and Division approval of completion of the two additional corrective actions from the December 12, 2016 Division Inspection and the photographic evidence presented above we feel that this corrective action has been completed and request approval on closing and marking all corrective actions from the December 12, 2016 Inspection Report as completed.

Should any questions arise from this response letter or should you wish to visit the site, please contact me or our Aggregates Production Manager, Brandon Hesper.

Respectfully,


Jerry Schnabel, President
Transit Mix Concrete Co.



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APPENDIX A



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Granite Seed - Denver
490 East 76th Ave., Unit A
Denver, CO 80229

2 of 3

From

Pit slope

3-30066

Mix #

177446

Pit slope

Pure Common Name	Variety	G + D or H	Origin
3004 SAND BLUESTEM	Woodward	97 + 0 = 97	TX
1105 THICKSPIKE WHEATGRASS	Catana	95 + 0 = 95	WY
1628 PUBESCENT WHEATGRASS	Luna	96 + 0 = 96	SD
1029 WESTERN WHEATGRASS	Ampa	91 + 4 = 95	WA
239 PRAIRIE SANDREED	Goshen	94 + 2 = 96	MT
668 BLUESTEM BIG	Ray	96 + 1 = 97	KS
336 SIDEOATS GRAMA	Hiner	87 + 9 = 96	CO
327 BLUESTEM LITTLE	Cimarron	95 + 4 = 99	TX
139 BLUE GRAMA	Longhorn	69 + 17 = 86	CO
217 SAND LOVEGRASS	Bend	95 + 0 = 95	TX

2 19 Other Crop Date Tested 23-Aug-16

11 14 Inert Matter Hard Seed 0.00

0 19 Weed Seed Noxious Weed NONE FOUND

Net Weight 25.55 Lbs PLS 30.86 Lbs Bulk

Coverage: 1.000 Acres

NOTICE TO BUYER LIMITATIONS OF WARRANTIES AND REMEDIES

Seed yield and quality are dependent upon many factors beyond the control of the labeled seller and NO WARRANTY is made as to seed yield and quality. The labeled seller warrants that all seed sold has been labeled as required under applicable state and federal seed law and that the seed conforms to the label description, within recognized tolerances. THIS WARRANTY (SIN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE) THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE LABEL.

No claim shall be asserted against the labeled seller unless Buyer reports to the labeled seller within a reasonable period after discovery (not to exceed thirty days) any condition that might lead to a complaint. BUYER'S EXCLUSIVE REMEDY FOR ANY CLAIM OR LOSS RESULTING FROM BREACH OF WARRANTY, BREACH OF CONTRACT OR NEGLIGENCE (INCLUDING BUT NOT LIMITED TO INCIDENTAL OR CONSEQUENTIAL DAMAGES) SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE.

By acceptance of the seed, Buyer agrees the terms and conditions stated above are a benefit to the bargain and constitute the entire agreement between Buyer and the labeled seller. Buyer shall return the original unopened seed package to the labeled seller within twenty days of receipt for a refund of the purchase price if not accepted under these terms.

NOTICE REQUIRED ARBITRATION / CONCILIATION / MEDIATION

The seed laws of several states including Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Minnesota, Mississippi, Montana, North Dakota, South Carolina (Section 46-21-260), South Dakota, Texas and Washington require arbitration, conciliation or mediation of disputes involving alleged defective seed before certain legal actions may be maintained against a seller. North Carolina offers an alternative to court action that allows claims to be investigated and heard before the Special Seed Board. A complaint (sworn for AR, CO, FL, IL, IN, MN, MS, MT, NC, SC, TX, WA, signed only, CA, GA, ID, ND, SD) must be filed with the Department of Agriculture or Seed Commissioner (IN) or State Plant Board (AR) or Commissioner of Agriculture (NC) within such time to permit an inspection of seed, crops or plants (by an Arbitration Committee - AR, ID, MS, SC). Failure to follow this procedure will limit the amount of damages recoverable. Certified copy of complaint must be sent by registered mail to the labeled seller as provided in individual state law. Information about these requirements may be obtained from the state Department of Agriculture.

Will Call
Teton Environmental



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APPENDIX B



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440 S. LaSalle St. Suite 3100
Chicago IL 60605

Triton Environmental, LLC
5433 Newport Street
Commerce City, CO 80022

Invoice

Date	Invoice #
5/1/2017	30278

Phone #	Fax #
(303) 945-7588	(303) 945-7579

Bill To
TRANSIT MIX CONCRETE CO. 444 E. Costilla Colorado Springs, CO 80903

Ship To
TRANSIT MIX CONCRETE CO. Daniels Pit 3710 Bradley Road Colorado Springs, CO

S.O. No.	P.O. No.	Terms	Ship Date	Ship Via	FOB	Entered by
29276	984059	Net 30	5/1/2017	TRITON	PPA	AH - Audrey Hall

Item	Description	Ordered	Prev. In...	Back...	Invoiced	U/M	Rate	Amount
5999999999	TRANSIT MIX CONCRETE CO.-PIT SLOPE	3	0	0	3	acre		T
Delivery Ch...	MIX Delivery Charge	1	0	0	1	EA		

<p>Thank you for your order. We appreciate your business! Customer may incur a restocking fee of 10% for returned material.</p> <p>Please visit us at www.tritonenviro.com</p>	Subtotal	\$ <input type="text"/>
	Sales Tax (2.9%)	\$ <input type="text"/>
	Total	\$ <input type="text"/>
	Payments/Credits	\$0.00
	Balance Due	\$ <input type="text"/>



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Triton Environmental, LLC
5433 Newport Street
Commerce City, CO 80022
303-945-7588

Packing Slip

Date	S.O. No.
4/28/2017	29276

Ship To
TRANSIT MIX CONCRETE CO. Daniels Pit 3710 Bradley Road Colorado Springs, CO
MAY 01 2017

P.O. No.	Ship Date	Ship Via	FOB	Contact & Phone #
984059	5/1/2017	TRITON	PPA	Andre 719-491-0288
Item	Description	Shipped	Ordered	U/M
5999999999 Delivery Charge	TRANSIT MIX CONCRETE CO.-PIT SLOPE MIX Delivery Charge CO Sales Tax		3 1	acre EA
Received By		Delivered By		
Signature and Date		Signature and Date		
Print Name		Print Name		