

June 30, 2017

Mr. Peter S. Hays
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203



Re: Permit No. M-1999-098 – Riverview Resource - Corrective Action Extension Request

Dear Peter:

On April 12, 2017, Aggregate Industries (AI) requested an extension of time to June 30 to complete a corrective action item regarding hydrologic balance as set forth in the Division's July 12, 2016 inspection. While I received an e-mail from you stating that the extension was acceptable, I did not receive a letter approval, nor can I locate our request or the approval on the Division's web site. For reference, I am enclosing a copy of AI's April 12 correspondence and the e-mail I received from you on April 14.

As indicated previously, AI was working towards qualifying a contractor to perform the required work. The contractor was recently retained; however, the area to be repaired is not accessible at this time. I have communicated with the neighbor, Ben VomBaur, who had filed the complaint with the Division which prompted the corrective action issued by the Division. He continues to state, as he previously did in March, 2017, that he no longer believes the Cell 3 repair is necessary, and in fact prefers that the work not be done. Enclosed is a copy of my June 29 e-mail communications with Mr. VomBaur.

As Mr. VomBaur no longer believes repairs are necessary on AI's site, and AI continues to disagree that conditions on the Riverview Resource site are a failure to maintain prevailing hydrologic balance, we would request that the Division reconsider the necessity of proceeding with repair of the sections of the slope that have incurred some minor sloughing along the bank of the Cell 3 pond. If, however, the Division maintains that such repairs are still required, we respectfully request an extension of time to complete such repairs. AI's reclamation contractor would proceed with that repair after completion of slope reclamation currently being done along the north and east boundaries of the site, which we anticipate will be approximately sixty (60) days, or August 31, 2017.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Connie N. Davis".

Connie N. Davis
Land Manager

Enclosures

Aggregate Industries
West Central Region, Inc.
1687 Cole Boulevard, Suite 300
Golden, CO 80401

Telephone: 303-985-1070

An Equal Opportunity Employer

April 12, 2017

Mr. Peter S. Hays
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203



Re: Permit No. M-1999-098 – Riverview Resource - Corrective Action Extension Request

Dear Peter:

On February 24, 2017, the Division approved an extension of the corrective action due date to April 15, 2017 to address the matter of hydrologic balance as set forth in the report of the Division's July 12, 2016 inspection. By this letter Aggregate respectfully requests an additional extension of time.

While Aggregate disagrees that conditions on the Riverview Resource site are a failure to maintain prevailing hydrologic balance resulting in increased flood water flows into the adjacent VomBaur property, we have agreed to repair sections of the slope that have incurred some sloughing along the northern bank of Cell 3; however, the contractor with whom Aggregate was coordinating to schedule the repairs was recently forced to close his business due to health concerns. We are actively working towards qualifying another contractor to perform this work.

I would note that Mr. VomBaur stated in an e-mail to me dated March 9, 2017, a copy of which is enclosed, that he had contacted you regarding the Cell 3 repair and does not believe the repairs are still necessary. I called Mr. VomBaur after having received his e-mail and he stated that he no longer has any concerns because of work he has completed on his property. I did ask, too, if he could provide me with a copy of his communication with you; however, I never received that. I am also not finding a copy of that communication on the Division's website.

Although Mr. VomBaur no longer believes repairs are necessary on Aggregate's site, we do plan to proceed with scheduling the repairs upon approval within our system of a qualified contractor. In order to assure adequate time for this process, we are currently proposing to complete the repairs by June 30, 2017.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Connie N. Davis".

Connie N. Davis
Land Manager

Aggregate Industries
West Central Region, Inc.
1687 Cole Boulevard, Suite 300
Golden, CO 80401

Telephone: 303-985-1070

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Connie Davis <connie.davis@aggregate-us.com>

Cell 3 repair

1 message

Ben VomBaur <ben.vombaur@gmail.com>

Thu, Mar 9, 2017 at 1:32 PM

To: Connie Davis <Connie.Davis@aggregate-us.com>

I emailed Peter Hays regarding the Cell 3 repair. I do not believe it is still necessary. I don't know if this email is coming too late to halt the construction/repair. Feel free to call me if you would like to discuss this.

Ben VomBaur
970-590-9966



Connie Davis <connie.davis@aggregate-us.com>

Re: M-1999-098 - Riverview Resource Corrective Action Extension Request

1 message

Connie Davis <connie.davis@aggregate-us.com>
To: "Hays - DNR, Peter" <peter.hays@state.co.us>

Fri, Apr 14, 2017 at 1:35 PM

Thanks, Peter.

On Fri, Apr 14, 2017 at 1:24 PM, Hays - DNR, Peter <peter.hays@state.co.us> wrote:
Connie,

The extension request is acceptable. I will approve the request after the mailed copy is received.

Peter S. Hays
Environmental Protection Specialist II



P 303.866.3567 Ext. 8124 | F 303.832.8106
1313 Sherman St., Room 215, Denver, CO 80203
peter.hays@state.co.us | www.mining.state.co.us

On Wed, Apr 12, 2017 at 3:27 PM, Connie Davis <connie.davis@aggregate-us.com> wrote:

Hello Peter - attached is a copy of the letter that is being placed in today's mail to request and extension of time to complete work under a corrective action item regarding hydrologic at Aggregate's Riverview Resource site in Greeley.

Please call if you have any questions.

Thanks - Connie

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Connie N. Davis
Land Manager, Land and Environment
Aggregate Industries US
Aggregate Industries - WCR, Inc.
P. O. Box 337231
Greeley, CO 80633
Phone: 970-396-5252
Email: connie.davis@aggregate-us.com
www.aggregate-us.com

A member of the Holcim Group

This email is confidential and intended only for the use of the above named addressee. If you have received this email in error, please delete it immediately and notify us by email or telephone.

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Connie N. Davis
Land Manager, Land and Environment
Aggregate Industries US
Aggregate Industries - WCR, Inc.
P. O. Box 337231
Greeley, CO 80633



Connie Davis <connie.davis@aggregate-us.com>

Re: Cell 3 repair

1 message

Connie Davis <connie.davis@aggregate-us.com>

Thu, Jun 29, 2017 at 10:24 AM

To: Ben VomBaur <ben.vombaur@gmail.com>

Thanks for your response, Ben. With regard to the Cell 3 repair, I don't think the State is going to let that go. I had actually talked to Peter Hayes about that after you initially indicated that you had done some work on your property and no longer thought it necessary or desirable for us to do the Cell 3 repair and he didn't seem to think they could back off on that because it had already been cited as an issue. In any case, I will be reaching out to him today to let him know we haven't been able to get in and do the repair so will need an extension of time from the June 30 deadline for doing so.

With regard to the pumping, I noticed that the pump was not running yesterday and contacted the contractor to find out why it was not operating. He explained that, because of the work they are currently doing on the floor of the pit and pushing dirt in from the top of the pit to construct the reclamation slopes, the water gets dirty. While some of that water goes to the Ramos pond and on to you, the majority goes into our pond and discharges to the river. We cannot allow dirty water to be pumped to the river, so they turn off the pump during the day while they are working and they turn it back on at night. Hopefully this will be sufficient for now, but the contractor will evaluate the situation today and see if they can come up with a plan to pump more frequently and still keep the water clean enough to go to the river.

Thanks again - Connie

On Thu, Jun 29, 2017 at 9:54 AM, Ben VomBaur <ben.vombaur@gmail.com> wrote:

I no longer need cell 3 repaired and I would actually prefer if it went unchanged.

On another issue, the pumping into our ponds seem to have slowed or stopped.

Ben VomBaur

On Jun 29, 2017 11:45 AM, "Connie Davis" <connie.davis@aggregate-us.com> wrote:

Hi Ben - Just wanted to check in with you and see if you are having any issues since the repairs/improvements you made on your property. Our contractors have still not yet been able to access the slope area that Division of Reclamation, Mining and Safety wanted us to repair on Cell 3 south of you. They had asked that we complete this by June 30.

We still intend to do this work when access becomes available, and likely after the other slope reclamation that the contractor is currently working on along the north and east boundaries of the mining area is completed.

Please let me know.

Thanks - Connie

On Thu, Mar 9, 2017 at 1:32 PM, Ben VomBaur <ben.vombaur@gmail.com> wrote:

I emailed Peter Hays regarding the Cell 3 repair. I do not believe it is still necessary. I don't know if this email is coming too late to halt the construction/repair. Feel free to call me if you would like to discuss this.

Ben VomBaur
970-590-9966

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