

September 25, 2018

John P. Ary
Fremont Paving & Redi-Mix, Inc.
839 MacKenzie Avenue
Cañon City, CO 81212

**RE: Adequacy Review #2, Technical Revision TR-02
State Pit, Permit File No. M-1990-112**

Dear Mr. Ary,

The Division received the responses to the first adequacy review of Technical Revision TR-02 of the State Pit, Permit No. M-1990-112, on September 13, 2108. The Division reviewed the responses and the following items need to be addressed prior to the October 3, 2018 decision date. To allow the Division adequate time to review your responses to this adequacy review letter, please submit your responses no later than one week prior to the decision date. Subsequent to receipt and review of the Operator's responses to these items, the Division may identify additional items. Please respond to these adequacy issues with a letter summarizing each response, to the numbered items below, in a cover letter titled "Adequacy Review Response #2, TR-02, M-1990-112".

1. The Operator has submitted an Exhibit A Map, Exhibit E Mining Plan Map, Exhibit E Reclamation Plan Map, and an un-titled topographic map. These titles appear to correlate with the 110c permit exhibit requirements (Rule 6.3), however the State pit is a 112c permit and the Operator needs to correct these to comply with 112c permit exhibit requirements (Rule 6.4). Please submit new or updated maps which meet the requirements of Rules 6.4.3 and 6.4.6. Additionally please title all maps as required by Rule 6.2.1(2)(e).
2. The maps submitted do not show the name of the Applicant/Operator as required by Rule 6.2.1(2)(a). Please ensure the new or updated maps show the name of the Applicant/Operator.
3. The maps submitted do not meet the scale requirements of Rule 6.2.1(2)(e). Please ensure the new or updated maps contain a scale not larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. In addition to the scale bar, please identify the scale with scale text (e.g. "1 inch : X feet").
4. The Operator has clarified that they do not intend to conduct the mining operation with a phased bonding approach, rather in an acreage-limited bonding approach with 100 acres open at any given time and reclamation occurring on an additional 100 acres. For the Division to calculate the site's required bond amount based on this commitment, please clarify which reclamation tasks are needed to be competed in the additional 100 acres in reclamation. Once clarified, the Division will calculate the required financial warranty for the site and the Operator will be provided a copy of the reclamation cost estimate for review prior to the decision date.
5. The Division suggests removing the mine phase polygons identified in the updated maps to reduce the confusion between a phased bonding approach and an acreage-limited bonding approach. The Division believes it is best to submit a series of reclamation plan maps which show the progression of the mine and reclamation plans.



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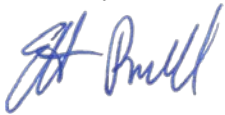
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6. The updated maps shows one area (located in the middle portion of the western half the permit) where straw waddles are being utilized at the site to control storm water. Please submit a map in accordance with Rules 6.4.3(c), 6.4.3(f), and 6.4.7(2)(c), identifying all areas where the runoff from the affected lands is or will be managed through the use of BMPs. This includes future areas where BMPs are anticipated to be used when the mine advances through the permit (e.g. northeast of Phase 3 and west of Phase 4).

This concludes the Division's second adequacy review of TR-02. As a reminder, please be advised the State Pit Technical Revision may be deemed inadequate, and the request may be denied on **October 3, 2018**, unless the above mentioned adequacy review items are addressed to the satisfaction of the Division.

If you need additional information or have any questions, please contact me.

Sincerely,



Elliott R. Russell
Environmental Protection Specialist

CC: Michael Cunningham, Division of Reclamation, Mining & Safety