



STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

Re: M-1973-007SG SO-02 Conditional Approval

1 message

Andre LA ROCHE <Andre.Laroche@transitmix.com>

Tue, Jul 30, 2019 at 3:53 PM

To: "Cazier - DNR, Tim" <tim.cazier@state.co.us>

Cc: Joel Bolduc <joel.bolduc@aggregate-us.com>, Russ Means <russ.means@state.co.us>, Bruce Humphries <hlhumphries2@comcast.net>

Hello Tim:

Attached please find P.E. evaluation letters for [3560 Drennan Road](#) and [3825 Silica Drive](#) referenced in my previous email.

Please do not hesitate to contact me should you need additional information or have any questions.

Best regards,

Andre Laroche | Permit Specialist
Transit Mix Concrete Co. | 719-491-0288 mobile

On Mon, Jul 29, 2019 at 5:39 PM Andre LA ROCHE <Andre.Laroche@transitmix.com> wrote:

Hello Tim:

Attached please find the information you requested earlier today. I am missing the following documents but will send them your way soon.

- P.E. evaluation letter and attachment for [3560 Drennan Road](#)
- P.E. evaluation attachment for [3825 Silica Drive](#)

Please do not hesitate to contact me should you need additional information or have any questions.

Best regards,

Andre Laroche | Permit Specialist
Transit Mix Concrete Co. | 719-491-0288 mobile

On Mon, Jul 29, 2019 at 2:30 PM Andre LA ROCHE <Andre.Laroche@transitmix.com> wrote:

Hello Tim:

Today I will send you the information you requested in your email below so you can move forward with processing the conditional approval for SO-02.

Thanks,

Andre

On Mon, Jul 29, 2019 at 2:16 PM Cazier - DNR, Tim <tim.cazier@state.co.us> wrote:

Joel, Bruce:

The DRMS has determined a conditional approval of the current permit transfer application (SO-02) is appropriate. However, we will need a demonstration that attempts have been made to obtain structures agreements with each of the structure owners within 200 feet of the affected area. Providing us with certified mail receipts is the usual route for this demonstration. If you used a method other than the US mail to solicit any or all the required structures agreements, call me and we can discuss what other documentation may be appropriate.

Please send us what you have today, so we can move forward with SO-02.

In the mean time, I hope to have the bond estimate updated today or tomorrow.

Tim Cazier, P.E.
Environmental Protection Specialist



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources

P 303.866.3567 x8169 | F 303.832.8106 | C 303.328.5229
1313 Sherman St., Room 215, Denver, CO 80203
tim.cazier@state.co.us | www.mining.state.co.us

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Andre Laroche | Permit Specialist
Transit Mix Concrete Co. | 719-491-0288 mobile

2 attachments



P.E. Evaluation EDR Allinn 3560 Drennan Rd.pdf
1793K



P.E. Evaluation Meagher 3825 Silica Drive.pdf
1610K

7018 3090 0001 7001 7305

U.S. Postal Service
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COLORADO SPRINGS, CO 80904

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☐ Return Receipt (hardcopy) \$ **\$0.00**
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☐ Certified Mail Restricted Delivery \$ **\$0.00**
☐ Adult Signature Required \$ **\$0.00**
☐ Adult Signature Restricted Delivery \$



Postage **\$1.15**

Ernest Ringler
 EDR Allinn, LLC
 3855 Hill Circuit
 Colorado Springs, CO 80904-1188

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ernest Ringler
 EDR Allinn, LLC
 3855 Hill Circuit
 Colorado Springs, CO 80904-1188



9590 9402 4303 8190 8471 08

2. Article Number (Transfer from service label)

7018 3090 0001 7001 7305

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

6-3-19

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

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- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail Restricted Delivery

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- ☐ Registered Mail Restricted Delivery
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- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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9590 9402 4303 8190 8471 08

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**United States
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* Sender: Please print your name, address, and ZIP+4® in this box*

Transit Mix Concrete Co.
 Attn: Andre Laroche
 444 E Costilla Street
 Colorado Springs, CO 80903





May 29, 2019

Ernest Ringler
EDR Allinn, LLC
3855 Hill Circuit
Colorado Springs, CO 80904-1188

U.S. Post Certified Mail 7018 3090 0001 7001 7305

**RE: Compensation Agreement between Aggregate Industries-WCR, Inc. dba
Transit Mix Concrete Co. and EDR Allinn, LLC**

Dear Mr. Ringler:

On February 1, 2019, LafargeHolcim acquired the Daniels Sand Pit 2 (Permit M-1973-007-SG). Transit Mix Concrete Co. will continue to operate under the name Transit Mix Concrete Co. for Aggregate Industries (US) Inc., a member of LafargeHolcim.

As the new operator, the Division of Reclamation, Mining and Safety (DRMS) requires Aggregate Industries to fulfill several regulatory requirements as the new mine operator. One of our regulatory requirements is to secure a compensation agreement from owners of all structures that are 200 feet or less from the mining operation's affected land, i.e., those lands where actual mining operations are or will occur under the present terms of our approved mining permit.

We have identified the list of structures (listed in the compensation agreement) as being 200 feet or less from the mining operation's affected land.

The intent of the compensation agreement is to protect you and your structures that are 200 feet or less from the mining operation's affected land. However, we do not anticipate or expect any of your structures to be affected by our on-going mining operations.

We request your assistance in our meeting the requirements of this DRMS regulation. Enclosed with this letter is a partially completed compensation agreement which we have signed and notarized. We request you complete the agreement with your notarized signature, and return a copy to us in the enclosed envelope. Be sure and retain a copy for your files. We will make a copy of the completed agreement upon receipt of your notarized copy and provide a copy to the DRMS for their files.

If you have any questions, please feel free to contact Andre Laroche, Permit Specialist at andre.laroche@transitmix.com / 719-491-0288.

Best regards,

A handwritten signature in black ink, appearing to read 'Joel Bolduc'.

Joel Bolduc

Regional Land and Environment Manager

**Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 and Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with the Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. §34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a) and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary part to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area.

Structure(s) Name and/or Description:

1. Building located at 3560 Drennan Road, Colorado Springs, CO 80910 (on N side of Drennan Road)
2. Chain link/barbed wire fence and gate located at 3560 Drennan Road, Colorado Springs 80910 (fence around building perimeter)

CERTIFICATION

The Applicant, by John Conlin, as Regional General Manager of Aggregate Industries-WCR, Inc., does hereby certify that EDR Allinn, LLC (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the reclamation Permit Application for the Daniels Sand Pit 2, File Number M-1973-007-SG.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant [Signature] Representative Name John Conlin

Date 5/29/19 Title Regional General Manager

STATE OF Colorado)

) SS.

COUNTY OF El Paso)

The foregoing was acknowledged before me this 29 day of May, 2019, by

John Conlin as Regional General Manager of Aggregate Industries-WCR, Inc.

[Signature]
Notary Public

My Commission Expires: 2/21/21

SARAH GREGA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174007757
MY COMMISSION EXPIRES FEBRUARY 21, 2021

NOTARY STRUCTURE OWNER

ACKNOWLEDGED BY:

Applicant _____ Representative Name _____

Date _____ Title _____

STATE OF _____)

) SS.

COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20_____, by

_____ as _____ of _____

_____ My Commission Expires: _____

Notary Public

July 30, 2019

Aggregate Industries US
West Central Region
1687 Cole Blvd., Suite 300
Golden, CO 80401

Attention: Joel Bolduc
Regional Land and Environment Manager

Subject: Engineering Evaluation for Parcel 6434401001 (EDR Allinn, LLC)
Daniels Sand Pit 2 (Permit M-1973-007-SG)

Mr. Bolduc,

Brierley Associates has been retained by Transit Mix Concrete Co. to provide an engineering assessment regarding structures within 200 feet of the mining operations affected land. This letter addresses the building located at 3560 Drennan Road, Colorado Springs (on north side of Drennan Road) and the chain link/barbed wire fence and gate located at 3560 Drennan Road, Colorado Springs (fence around building perimeter).

The subsurface conditions in the area consists mainly of loose to dense eolian deposits of sand and silt. The mine in this vicinity has been backfilled such that no mine slope exists. The attached Google Earth plan and profile presents the proximity to the mine workings.

In my professional opinion in terms of slope stability impacts, provided the excavation remains in the permitted area, the structures listed above will not be affected by the on-going mining operations.

Please contact us if we can be of further assistance, or if you have any questions regarding this evaluation.

Sincerely,



Steven C Kuehr, PE

Attachment – Cross Section



<div>BRIERLEY ASSOCIATES</div> <div><i>Creating Space Underground</i></div> <div>990 SOUTH BROADWAY, SUITE 222, DENVER, CO 80209 303.703.1405 FAX 303.703.1404</div>	CLIENT	FIGURE TITLE		FIGURE
	TRANSIT MIX CONCRETE		EDR ALLINN LLC	1
	PROJECT NUMBER	519057-000		

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0603
 20
MAY 29 2019
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 Here

05/30/2019

Scott T. Meagher
 720 N Bear Paw Lane
 Colorado Springs, CO 80906-3215

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Scott T. Meagher
 720 N Bear Paw Lane
 Colorado Springs, CO 80906-3215



9590 9402 4303 8190 8470 47

2. Article Number (Transfer from service label)

7018 3090 0001 7001 7367

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Indira Meagher* ☐ Agent
☐ Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

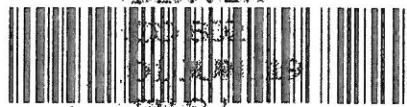
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- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING #



9590 9402 4303 8190 8470 47

**United States
 Postal Service**

* Sender: Please print your name, address, and ZIP+4® in this box*

Transit Mix Concrete Co.
 Attn: Andre Laroche
 444 E Costilla Street
 Colorado Springs, CO 80903

First-Class Mail
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 USPS
 Permit No. G-10



May 29, 2019

Scott T. Meagher
720 N Bear Paw Lane
Colorado Springs, CO 80906-3215

U.S. Post Certified Mail 7018 3090 0001 7001 7367

**RE: Compensation Agreement between Aggregate Industries-WCR, Inc. dba
Transit Mix Concrete Co. and Scott T. Meagher**

Dear Mr. Meagher:

On February 1, 2019, LafargeHolcim acquired the Daniels Sand Pit 2 (Permit M-1973-007-SG). Transit Mix Concrete Co. will continue to operate under the name Transit Mix Concrete Co. for Aggregate Industries (US) Inc., a member of LafargeHolcim.

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We have identified the list of structures (listed in the compensation agreement) as being 200 feet or less from the mining operation's affected land.

The intent of the compensation agreement is to protect you and your structures that are 200 feet or less from the mining operation's affected land. However, we do not anticipate or expect any of your structures to be affected by our on-gong mining operations.

We request your assistance in our meeting the requirements of this DRMS regulation. Enclosed with this letter is a partially completed compensation agreement which we have signed and notarized. We request you complete the agreement with your notarized signature, and return a copy to us in the enclosed envelope. Be sure and retain a copy for your files. We will make a copy of the completed agreement upon receipt of your notarized copy and provide a copy to the DRMS for their files.

If you have any questions, please feel free to contact Andre Laroche, Permit Specialist at andre.laroche@transitmix.com / 719-491-0288.

Best regards,

A handwritten signature in black ink that reads 'Joel Bolduc'.

Joel Bolduc

Regional Land and Environment Manager

Structure Agreement

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- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 and Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with the Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. §34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a) and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary part to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area.

Structure(s) Name and/or Description:

1. Chain link/barbed wire fence located at 3825 Silica Drive, Colorado Springs, CO 80910 (along E side of property)

CERTIFICATION

The Applicant, by John Conlin, as Regional General Manager of Aggregate Industries-WCR, Inc., does hereby certify that Scott T. Meagher (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the reclamation Permit Application for the Daniels Sand Pit 2, File Number M-1973-007-SG.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant [Signature] Representative Name John Conlin

Date 5-29-19 Title Regional General Manager

STATE OF Colorado

) SS.

COUNTY OF El Paso

The foregoing was acknowledged before me this 29 day of May, 2019, by

John Conlin as Regional General Manager of Aggregate Industries-WCR, Inc.

[Signature]
Notary Public

My Commission Expires: 2/21/21

SARAH GREGA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174007757
MY COMMISSION EXPIRES FEBRUARY 21, 2021

NOTARY STRUCTURE OWNER

ACKNOWLEDGED BY:

Applicant _____ Representative Name _____

Date _____ Title _____

STATE OF _____)

) SS.

COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20_____, by

_____ as _____ of _____

_____ My Commission Expires: _____

Notary Public

July 25, 2019

Aggregate Industries US
West Central Region
1687 Cole Blvd., Suite 300
Golden, CO 80401

Attention: Joel Bolduc
Regional Land and Environment Manager

Subject: Engineering Evaluation for Parcel 6503101009 (Scott T Meagher)
Daniels Sand Pit 2 (Permit M-1973-007-SG)

Mr. Bolduc,

Brierley Associates has been retained by Transit Mix Concrete Co. to provide an engineering assessment regarding structures within 200 feet of the mining operations affected land. This letter addresses the chain link/barbed wire fence located at 3825 Silica Drive, Colorado Springs, CO 80910 (along the east side of the property).

The subsurface conditions in the area consists mainly of loose to dense eolian deposits of sand and silt. The mine in this vicinity has been backfilled such that no mine slope exists. The attached Google Earth plan and profile presents the proximity to the mine workings.

In my professional opinion in terms of slope stability impacts, provided the excavation remains in the permitted area, the structures listed above will not be affected by the on-going mining operations.

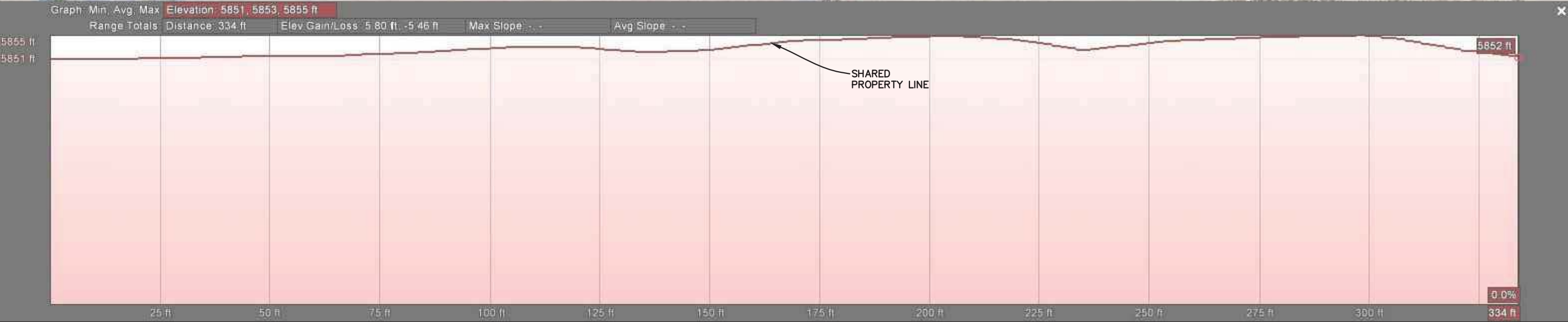
Please contact us if we can be of further assistance, or if you have any questions regarding this evaluation.

Sincerely,



Steven C Kuehr, PE

Attachment – Cross Section



BRIERLEY ASSOCIATES <i>Creating Space Underground</i> 990 SOUTH BROADWAY, SUITE 222, DENVER, CO 80209 303.703.1405 FAX 303.703.1404	CLIENT	TRANSIT MIX CONCRETE	FIGURE/PLATE TITLE	4
	PROJECT NUMBER	519057-000	PARCEL 6503101009	