



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

1313 Sherman St. Room 215
Denver, CO 80203

November 20, 2019

Aggregate Industries – WCR, Inc.
Attn: Christine Felz
1687 Cole Blvd, Suite 300
Golden, CO 80401

**Re: Tucson South Resource, M-2004-044, Amendment Number 1 (AM01)
Notice of Approval and Request for Financial Warranty Increase**

Dear Ms. Felz,

On November 20, 2019 the Division of Reclamation, Mining and Safety (DRMS or Division) approved the Amendment No. 1 (AM01) application submitted by Aggregate Industries – WCR, Inc. (AI) to the Division on November 21, 2018, addressing the following:

Amendment No. 1 (AM01) proposed to add an additional 16.2 acres to the permit area, but also amends the mining and reclamation operation.

The terms of the AM01 application approved by the Division are hereby incorporated into Permit No. M-2004-044. All other conditions and requirements of Permit No. M-2004-044 remain in full force and effect. The Colorado Mined Land Reclamation Board (“Board”) conditionally approved the original permit application for Permit No. M-2004-044 for the Tucson South Resource site with five conditions. Below are a list of those conditions and their current status:

- a. **Condition No. 1** – If final specifications for construction of the slurry walls differ from the draft specifications, Aggregate Industries will provide DMG a copy of the final version for review, as a technical revision;
 - i. **Status:** This condition will remain in effect with the approval of AM01.
- b. **Condition No. 2** – Aggregate Industries' mining operation will not intersect ground water in Phases 2, 3, and 3A until the DMG has reviewed and accepted the final slurry wall construction report, including quality assurance test results;
 - i. **Status:** The mining cells referenced above are now the “East” and “West” mining areas. This condition will remain in effect with the approval of AM01.
- c. **Condition No. 3** – Aggregate Industries will not expose ground water to the surface in Phases 1, 2, 3, or 3A until a copy of a document from the State Engineer's Office proving that it is legal to do so is provided to the DMG;
 - i. **Status:** The Division acknowledges that AI has an approved Temporary Substitute Water Supply Plan that allows for 10 acres of exposed groundwater at the Tucson South Resource site. The Division considers this condition complied with at this time.
- d. **Condition No. 4** – Aggregate Industries will not affect land within 200 feet of the Brantner Ditch, Brighton Ditch, Kerr McGee oil and gas well pipelines and appurtenances or the Union Rural Electric



overhead power line and poles until a notarized agreement between the applicant and the persons having an interest in the structure(s) that the applicant is to provide compensation for any damage to the structures) or Aggregate Industries otherwise complies with the requirements of Rule 6.4.19(b) or (c); and

- i. **Status:** The Division acknowledges that AI has complied with this condition.
- e. **Condition No. 5** – Aggregate Industries shall not affect land south of and within 200 feet of the Todd Creek Farms water supply pipeline and shall not further affect land within 200 feet of the north side of the pipeline, in the Phase 2A area, except for reclamation work, until a notarized agreement between Aggregate Industries and Todd Creek farms stating that Aggregate Industries is to provide compensation to Todd Creek Farms for any damage to the pipeline, or Aggregate Industries otherwise complies with the requirements of Rule 6.4.19(b)(c).
 - i. **Status:** The Division acknowledges that AI has complied with this condition.

The revised liability amount exceeds the performance bond currently held (see below), please submit additional bond. The revision will not be final until the bond is approved by the Division.

Bond Held:	\$326,040.00
Prior Liability:	\$326,040.00
Change in Liability:	\$3,178,960.00
Revised	\$3,505,000.00
Liability:	

If you have any questions, please contact me.

Sincerely,



Jared Ebert
Senior Environmental Protection Specialist

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