



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

April 6, 2020

Kyrei Zion  
Elbert County  
P.O. Box 116  
Kiowa, CO 80117

**Re: Fondis Pit, Permit No. M-1988-101, Status of Required Corrective Actions**

Ms. Zion:

The Division of Reclamation, Mining and Safety (Division) is providing the following status update on the corrective actions required by the inspection report mailed on February 14, 2020 for the Fondis Pit:

**INSPECTION TOPIC:** Gen. Compliance With Mine Plan

**PROBLEM:** The importing and mixing of recycled asphalt is not in the approved permit. The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112(1)(c)(VI). The operator must provide sufficient information to describe or identify how the operator intends to conduct the operation.

**CORRECTIVE ACTIONS:** By the corrective action date, the operator shall submit demonstration the recycled asphalt material has been removed from the site, or a Technical Revision application, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed activities. If a Technical Revision is submitted, include in the application a discussion as to the nature of the material (contents and toxicity potential), maximum volume that will be stored on site, intended use of the material, and a commitment to not use the material as backfill or for reclamation activities.

**CORRECTIVE ACTION DUE DATE:** March 14, 2020

**STATUS UPDATE:** *On April 6, 2020, the operator provided photographic evidence demonstrating the recycled asphalt material has been removed from the site (as of February 26, 2020). Therefore, the Division considers this problem to be abated.*

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,

Amy Eschberger  
Environmental Protection Specialist

CC: Michael Cunningham, DRMS

