

October 28, 2021

Mr. John P. Ary  
Fremont Paving & Redi-Mix, Inc.  
P.O. Box 841  
Cañon City, CO 81215

**RE: McKenzie Pit, Permit No. M-1980-224;  
Availability of Records Problem/Possible Violation**

Mr. Ary:

On October 27, 2021, the Division of Reclamation, Mining and Safety (Division) received your Annual Report for the McKenzie Pit. In the report you entered the date of last activity at the mine (excavation, processing or hauling) as having been on March 1, 2019.

**PROBLEM/POSSIBLE VIOLATION:** Rule 1.13.5 states, if an Operator temporarily ceases production of the mining operation for one hundred eighty (180) days or more, the Operator must file a Notice of Temporary Cessation in writing to the Office.

**CORRECTIVE ACTIONS:** The Operator must file for Temporary Cessation or demonstrate mining activity has occurred in the last 180 days. The start date of the initial 5 year Temporary Cessation period is retroactive to the last date the pit was active.

**CORRECTIVE ACTION DUE DATE:** November 11, 2021

If you have any questions, you may contact me by telephone at 303-328-5229, or by email at [tim.cazier@state.co.us](mailto:tim.cazier@state.co.us).

Sincerely,



Timothy A. Cazier, P.E.  
Environmental Protection Specialist

cc: Michael Cunningham, DRMS  
DRMS file  
Jodi Schreiber, Fremont Paving

