



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

December 14, 2021

Weld County Commissioners  
Commissioners Office  
1150 O St  
PO Box 758  
Greeley, CO 80631

**Re: Notice of Formal Board Hearing, Pre-hearing Conference and Recommendation Date for an 112c Amendment Application (AM-2) with Objections; Aggregate Industries – WCR, Inc.; Tucson South Resource; File No. M-2004-044**

To Whom It May Concern:

The amendment application for the Tucson South Resource (M2004-044) was submitted by Aggregate Industries – WCR, Inc. on September 9, 2021. The amendment application was considered filed for review on September 27, 2021. The public comment period for the amendment application closed on November 16, 2021. The review period for the amendment application will close on December 27, 2021.

The Division received three (3) timely objection to the amendment application. Therefore, pursuant to Rules 1.4.9(2)(a) and 1.7.4(2), the Division scheduled the amendment application for a Formal Board Hearing for consideration. The hearing is scheduled for the January 19-20, 2022 Board meeting. The hearing will begin at 9:00 a.m. on January 19 or as soon thereafter as the matter can be considered. During the hearing, the Board will consider the application with objections and may decide to approve, approve with conditions, or deny the application. Due to the impacts of the COVID-19 virus on availability of State facilities and Division resources, notice is hereby given the Board hearing will be by a virtual ZOOM hearing. You must provide an email of all parties to the MLRB Administrator, Camie Mojar at: [Camille.mojar@state.co.us](mailto:Camille.mojar@state.co.us), no later than 5:00 PM, January 7, 2022 in order to receive an authorization code to attend the hearing. **Please note that only Parties and those who will be testifying may attend by ZOOM.** All other interested persons may attend the hearing via the MLRB YouTube Channel: <https://www.youtube.com/channel/UCDrrAO8bIPFIOWce-yH1fWA>

Pursuant to Rule 2.7, the Division has scheduled a Pre-hearing Conference for Friday January 7, 2022 beginning at 11:00 a.m. and will end no later than 12:00 p.m. The Pre-hearing Conference will be held to describe the Division's review process, to explain the rights and responsibilities of parties, to discuss and resolve issues to the extent possible, to describe the Board Hearing processes, to propose a list of issues under the Board's jurisdiction, to simplify the list and to identify parties. The Pre-hearing Conference will be held online via Zoom and attendees will also have the option of joining the meeting via telephone. The meeting details, including call-in telephone numbers and a link to the virtual meeting will be provided as soon as they are determined. In accordance with Rule 2.7.3(4), any party who does not attend the Pre-hearing Conference forfeits their party status and all associated rights and privileges, unless such party provides a fully executed proxy authorization form to the Pre-hearing Conference Officer and the party's



authorized representative is present at the Pre-hearing Conference. The proxy authorization form is included in the citizen's guide.

In preparation for the Pre-hearing Conference, all parties are strongly recommended to review Rules 2.6 and 2.7. At the Pre-hearing Conference all parties must provide the Division with a copy of a written list of potential witnesses and exhibits for the Board hearing. Pursuant to Rule 2.6(2)(a), the list must include each witness name, current address, and phone number, area of expertise (if expert witness) and the subject matter of the testimony. Pursuant to Rule 2.6(2)(b)(i), for any materials not already in the Division's public files, all parties must provide complete copies of any exhibits for the Board hearing. Pursuant to Rule 2.6(2)(b)(ii), for any materials that are already in the Division's public files, all parties must provide copies of the list of materials to be used with sufficient specificity to describe the exhibit, including but not limited to the specific title or description of each exhibit. The list must also specify where other parties may review and obtain a copy of each exhibit.

Pursuant to Rule 1.4.9(2)(c), on or before December 27, 2021, the Division shall issue its recommendation to the Board for approval, approval with conditions, or denial of the application. A copy of the Division's recommendation will be forwarded to all parties and interested persons.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8114**, or by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us).

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

cc: Jared Ebert; Division of Reclamation, Mining & Safety