



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

February 16, 2023

Mr. Baxter W. Kirkland
Midway Aggregates, RLLP
P.O. Box 580
Rye, CO 81069

**Re: Midway Pit, Permit No. M-1988-018;
Corrective Action Due Date Extension Request Approval**

Dear Mr. Kirkland,

On February 15, 2023 the Division received an email from Tim Gerken of Telesto requesting an extension to the due date for two corrective actions issued in the Division's January 24, 2023 inspection report. The Division hereby approves your request for an extension for those two Corrective Actions as follows:

INSPECTION TOPIC: Availability Of Records

PROBLEM/POSSIBLE VIOLATION: Problem No. 1: 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 Division requires the Operator file for Temporary Cessation by the Corrective Action Due Date. The start date of the initial 5 year Temporary Cessation period is retroactive to the last date the pit was active August 10, 2018).

CORRECTIVE ACTION DUE DATE: ~~2/15/23~~ 3/1/2023

INSPECTION TOPIC: Backfilling & Grading

PROBLEM/POSSIBLE VIOLATION: Problem No. 2: The site is utilizing off-site fill without prior approval by the Division per 3.1.5(9) of the Rule.

CORRECTIVE ACTIONS: The operator shall provide a notarized affidavit, stating that the fill is, in fact, inert and addressing all requirements pursuant to Rule 3.1.5(9), which describes the intended use of inert/off-site fill by the corrective action date.

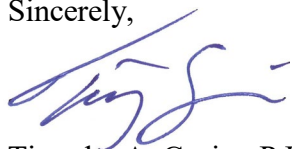
CORRECTIVE ACTION DUE DATE: ~~2/15/23~~ 3/1/2023



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If you have any questions, please contact me at (303) 328-5229.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Cazier', with a stylized flourish at the end.

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

cc: Michael Cunningham, DRMS
DRMS file
Tim Gerken, Telesto
Brooke Boisvert, Kirkland Construction