



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

March 10, 2023

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

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

Dear Mr. Kirkland,

On March 10, 2023 the Division received an email from Tim Gerken of Telesto requesting an extension to the due date for three corrective actions issued in the Division's January 24, 2023 inspection report. The Division hereby approves your request for an extension for those three 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~~ 3/31/2023

**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~~ 3/31/2023



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

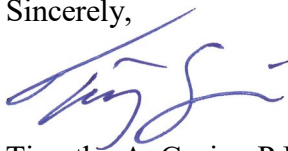
**PROBLEM/POSSIBLE VIOLATION:** Problem No. 3: The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The operator must provide sufficient information to describe or identify how the operator intends to conduct the operation.

**CORRECTIVE ACTIONS:** The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed activities (to include at least 32 acres of disturbance) by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** ~~3/6/23~~ 3/31/2023

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

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